

TO HIS SACRED
MAJESTIE, THE
LORDS SPIRITVAL,
AND TEMPORAL, AND
the House of COMMONS
in this present Parliament
Assembled.

Wootton-under-Edge
School

This case & arguments relate to the
free Grammar school at Wootton-
under-Edge in the County of Gloucester
founded by Robert de Wootton
a merchant in Bristol as one John
Smith of Northwiche in ye said County

Q. If this Smith had
a family of 4 family
the 1st of June



ye last have fold down
toward ye end of ye book &
read from thence to ye end
ye you will see ye originall of
ye foundation of ye school and
a relation of all proceedings from
that time to this time
of ye relation

Printed the 1. of June. 1628.



Crokey being sorie if hee shall offend by the tediousnesse hercof, a more brieft then which, he knew not how to compose, considering the so long, so many and vexatious Suites wrongfully prosecuted against him; And in that Crokey hath in many places referred one place to another, according to the Sections and proofes, he hath done it the better to explaine and giue light to euery particular, which otherwise might have rested doubtful and obscure to the Reader.

Whereof in respect of y^e tediousnes Crokey humbly prayeth yo^r Lordships to leaue y^e readinge thereof to yo^r secretaries & from ^{them} to heare a relation of the scoles wronges & his



True Relation of the passages in diuers Suites twelue yeares together, prosecuted by *Beniamin Crokey* of Bristol Merchant, and especially vpon the Statute of Charitable vles, made casused by the said *Anno 43. R. Regine Elizab. Suites.*

Certificate from the Citie of Bristol vnder the common Seale, of Crokeyes good estate, credit and respect, before his declining in estate, occasioned by the said

for and on the behalle of a free Grammer Schoole at Wooton-vnderedge in the Countie of Glocester, founded by *KATHERINE Lady Berkley* an. 8. *Richardi 2.* against one *Iohn Smith* of Northnibley in the said Countie Gent: who hath put in execution many foule and impious practices, whereby he hath most manifestly abused and deluded his late Majestie of happie memory, the Lord Archbishop of Canterburie, the Lord Chancellor, the L. Keeper, and diuers Reuerend Bishops, the most of his Majesties Courts at Westminster, & Iudges thereof, and hath committed many grosse contempts against the same Courts, & all to supplant the foundation of that Schoole, and to get the possession and inheritance thereof, and of the Lands thereto belonging to himselfe; the same being of the value of 300. pounds *per annum* at this day, and for which *Crokey* hath now a Bill depending in Parliament against *Smith*, for no other course of Iustice (by all likelihood) will preuaile against him; as that which followeth in this Relation will manifest.

Certificate of Smithes powerfullnesse, cunning, and contentiousnesse, and of Crokeyes intolerable charges for preservation of that Schoole: from the Mayor and Burgeses of Wooton, and foure- teene Preachers resident nere thereunto.

May it therefore please your Majestie, and this Honourable Assembly, for the honour of God, and maintenance of Iustice, to vouchsafe the calling of *Crokeyes* Bill against the said *Smith* to bee read; and the rather, for that the Parliament foure yeares since was possessed with this caule, and

gaue order therein, which by reason of the breaking vpp of that Parliament, *Smith* defeated, and went on, and renewed his former practices; And that (for your better information) it would please you to take notice of the particulars following which *Crokey* will proue, and in faile thereof will vndergoe what punishment soeuer this High Court shall inflict: all or the most of his proofes being noted in the Margent to the said particulars in this insuing Relation? And in this suite *Crokey* is the more earnest, for that hee is assured of great opposition to keepe this Cause from the hearing of your Majestie, and this Honourable Assembly.

A Summarie and Briefe of the vndue practices by *Smith* before spoken of, for supplanting the foundation of that Schole, and getting the possessions and inheritance thereof to himselfe, discovered and opposed by *Crokey*, mentioning euery Section where the matters are at large related, but first, how *Smith* entred and began to worke.

1 One Grace Drew, the Relict of one Iohn Drew, being by force of a Lease from the Schoole possessed of a Farme, parcell of the Possessions of that Schoole, called Warrens Court; and shee being very aged, decrepit, sicke in her bed, and likely to dye; and *Smith* beeing a very young man, and then of little or no value or estate, married the said Grace in her bed, two women holding her up during the Ceremony, & thereby *Smith* possessed himselfe

himselfe of that Farme, & in this manner Smith began.

2 Then Smith got the originall Lease of that Farme not appartaining to him, but of Chancery by cunning, and untrue suggestions, where it was to haue been kept vntill the expiration. Sect. 8.

3 Smith bought two fraudulent Titles of the Schoole and lands from two of the Duports. And by that meanes entred vpon the Schoole and residue of the Schoole lands. Sect. 9.

4 Then Smith placed one Cowper Schoolemaster, and bought another fraudulent title of the Schoole and Lands from that Cowper, and from one Browning, and from one Bolton, the Daughter of which Browning Smith had marryed. Sect. 10.

5 Smith then let Leases of the Schoole Lands, and erected a Court Baron, and the same kept diuers times in his owne name, as Lord and owner of all the Schoole Lands. Sect. 11.

6 Crokey hauing an interest for the residue of a Terme in the aforesaid Farme called Warrens Court, and Smith keeping it from him vnjustly, Crokey entred, and for that entrey (to out-face the world) Smith sued Crokey in diuers Courts to weary him. Sect. 12.

7 Smith made many untrue reports against Crokeyes proceeding in behalfe of the Schoole, and many false suggestions in Courts, for maintaining his said bad titles to the Schoole Lands, which plainly shew Smiths intent for supplanting the Schoole and getting the said Lands. Sect. 14. 15. & 17.

8 Smith commensed diuers fraudulent, and vnjust suites in Star-chamber, Chancery, Exchequer, and Common Pleas, for maintenance and strengthening his said bad titles to the Schoole and Lands, wherein hee used many practices, shifts and delays, which also shew his said intent. Sect. 17.

9 Smith (being discovered of his said former bad titles to the Schoole lands by Crokeyes opposiſſion) bought another fained title of one Biſhop, of all the Schoole lands, and that managed (as the reſt) againſt Crokey which alſo ſhewed his ſaid intent. Sect. 17.

10 When Crokey brought his eiektment for Warrens Court, Smith obtained upon untrue ſuggeſtions an Iniunction in the Star Chamber, which ſtayed Crokeyes proceeding at Law ſoure yeares, and after that Cauſe was diſmiſſed, Crokey could not get a Iury to appeare, untill 48. Terrors were ſummoned. Sect. 17. 19.

11 Smith interrupted Crokey three ſeueral times in the execution of his Maieſties Commiſſion, vnder the great Seale vpon the Statute of Charitable uſes, and alſo in the execution of a ſecond Commiſſion vpon that Statute, notwithstanding his Maieſties eſpeciall directions. Sect. 20.

12 Smith practiſed with Sir Iohn Points, and one Henry Minors to finde the Schoole Lands concealed, or to draw Crokey to a Compoſition, or to intrap Crokey, that he might forbear any further proſecution in behalfe of the Schoole. Sect. 21. 22.

13 Smith made falſe ſhewes to the Countrey of a pious intent for ſelling the Schoole, when hee knew not how otherwiſe to anſwer his former practiſes againſt it, and when he meant nothing leſſe. Sect. 30.

14 Smith miſuſed and euilly intreated one Prichard who ſerued as Schoolemaſter, becauſe hee inclined to Crokey in behalfe of the Schoole. Sect. 27.

15 Smith by his vndue practiſes bindred Crokey from obtaining a third Commiſſion vpon the Statute of Charitable uſes. Sect. 26.

16 Smith endeavored to get a Release from Crokeyes Leſſee in the eiektment, at the time when the Cauſe was to be tryed, but not preſayling in that, Smith

at the tryall stood upon all his bad Titles and aforesaid practices: abusing the Lord Hobart, and the other Judges, by false reports and suggestions to them, and practised with one Gayre to raze a Record which was done. Sect. 28. 32.

17 Smith still to delay Crokey, and to countenance his unjust dealings got himselfe made a Burgesse in Parliament of a Towne 130. miles distant from his habitation An. 1619. Sect. 35.

18 Smith to weary Crokey in the proceedings for the Schoole, did set his agents to see Crokey arrested when Crokey was going on in the execution of his Majesties Commission by direction of the Parliament, and dealt underhand with Crokeyes Creditors to assigne Crokeyes Debts to him, or to some others his Agents and Confederates, and otherwise practised whereby to keepe Crokey in Prison, wherein hee hath preyntyled against Crokey. Sect. 37. 39.

2

A Summary and briefe of the severall abuses committed by Smith, against his late Majestie, and against his Majesties Courts, and Magistrates and Judges.

1 By surmising false matters oftentimes whereby to avoid severall Orders of the Star-chamber for taxation of Costs there awarded against him, and for increase of Costs. Sect. 18.

2 By detourning the said second Commission upon the Statute of Charitable uses, and altering the Commissioners names. Sect. 20.

3 By deluding his Majestie, and the Court of Exchequer, under a shew of a pious intent. Sect. 24. 31.

4 By surmising false matters to the Chancery, to hinder Crokey for obtaining a third Commission. Sect. 26.

5 By

5 By surmising false matter to the Iudges of the common Pleas; that they might stay Iudgement, and Execution upon the verdict for Crokey, contrary to the Rules in Court by Smiths consent, which false surmises tooke effect. Sect. 30.

6 By surmising false matters in a Petition to his late Maiestie, whereby Smith crossed all former directions of his late Maiestie, the Lord Archbishop of Canterbury, the Lord Chancellor, and diuers Bishops, and other iust and legall proceedings in behalfe of the Schoole. Sect. 31.

7 By surmising false matter against the directions of his late Maiestie, the Archbishop of Canterb: the L. Chancellor, and other Bishops, for hindering of Crokey in obeying that third Commission before granted. Sect. 27.

8 By making the Court of Chancery beleue, that the Schoole Rent was brought so low as 40. shillings per annum, and that he had increased it to 12. pounds per annum, when as in truth the true and due Rent to the Schoole, was alwayes at the least 23. pounds per annum, untill Smith began his practices to supplant it.

9 By abusing the Lord Hobart, and Master Attorney General by false reports and suggestions, whereby they were perswaded of Crokeys double dealing in the cause of the Schoole, and thereby Smith obtained an Injunction to stay all Crokeys proceedings in behalfe of the Schoole. Sect. 33.

10 By abusing the Lord Keeper, and Master Attorney General by false Informations, whereby hee obtained a Commission for a survey of the Schoole Lands, and the eariage thereof, which Commission was directed to Smiths friends. Sect. 38.

11 By abusing the Lord Keeper, the Iudges assistants of the Chancery, and Master Attorney General, in drawing up and entering a Decree in Chancery, where many untrue matters were inserted. Sect. 41. Numer. decret.

12. By procuring 52. pounns costs, to bee taxed against Crokey in the Starchamber upon Bill and answer, Crokeys suites being before stayed by Injunction mentioned in the said Decree, which Costs Smith hath charged Crokey withall in the Kings Bench. Sect.42.

3

A Summary and briefe of the seuerall Contempts committed by Smith against Decrees, Orders, Rules, Verdicts, and other iust proceedings of seuerall Courts in the cause of the Schoole.

1. For not bringing in the said originall Lease, according to an order in Chancery, Sect.8.

2. For not staying the said suite against Crokey upon his said entry, according to an order in Chancery, Sect.12.

3. For disobeying seuerall orders in Starchamber for hearing, and for his boasting against the same, Sect.17.

4. For not attending the Comitees assigned by his Maiesties directions, and References for the schoole according to their seuerall warrants, Sect.26.

5. For disobeying the Decree by direction of Parliament upon the Commission of charitable uses, and by his putting in new frinolous exceptions thereto, being before waived by consent of Smith and his Councell, Sect.38.

6. For his many deuises and slights by deferring the said Fynall tryall, and after the tryall the Iudgement, and after the Iudgement, by not yeelding possession according to seuerall Rules in Court made by consent of Smith and his Councell, in contempt of that Court, & for procuring the Record to be razed, Sect.28,29,30,31,32

All which matters *Crokey* hopeth this high Court of Parliament will take into consideration, and the rather when *Smithes* said practices, abuses, and contempts shall more fully by the particulars hereafter related appeare.

But forasmuch, as vpon the whole matter there may one maine question arise, which is, that the now Lord *Berkley* being conceiued to be the heire of the Founder of that Schoole, and Patrone thereof; why should not his Lordship or others for him haue stirred in this cause of the Schoole, and the same haue defended rather then *Crokey*.

As to that *Crokey* humbly desireth he may be called to answer *vina voce*, when he doubteth not but to giue good satisfaction therein.

There may bee also an Objection, which is; That *Crokey* hath followed the cause of the Schoole for some particular ends of his owne, and especially in respect of his tytle to *Warrens* Court.

As to that, *Crokey* doth plainly make manifest, that he hath not prosecuted the Cause of the Schoole for his owne ends, but in the behalfe of the Schoole onely and at his owne charge: for *Crokey* did well know his Title to *Warrens* Court to be good, for the Statute of the first of *Edward* the 6. maintaineth all Leases whatsoeuer made before the 28. day of November in the 37. of *Henry* the Eight, as was the said Lease vnder which *Crokey* claimes.

The

The particulars of the Relation are, as they doe appeare by the seuerall Sections, the proofes whereof are noted in the Margent.

SECT.

PROOFES.

1. **A**N Inquisition vpon an *ad quod damnum*, dated *die lune proxime ante festum Assentionum Domini*, Anno 7. Regni regis Ricardi secundi. Copy of the Inquisition.

2. King Richard the 2. granted licence of the 16. of Iune, in the 7. of his reigne to *Walter Burnell* and *William Pendock* Chaplaines, for erecting of a free Grammer schoole in *Wooton-vnderedge* in the Countie of Gloucester, and for indowment thereof, with the land and Tenements therein mentioned for maintenance and sustentation of a Master, and two poore Schollers, and their successors for ever. Copy of the Licence.

3. *Thomas* Lord *Berkley*, Lord of *Berkley* granted Licence Dated 1. Iuly Anno 8. Regni regis Ricardi 2. to the said *Walter Burnell* and *William Pendock*, for erecting the said Schoole, and for indowment thereof with the Lands in the same Licence mentioned, for maintenance and sustentation of a Master and two poore Schollers, and their successors for ever. Copy of the Licence.

4. That the 20. day of October in the said eight yeare of the reigne of King Richard the 2. a Grant was made by the said *Walter Burnell* and *William Pendock*, at the charges and procurement of *Katherine Lady Berkley*, for erecting the said Schoole, and for indowment thereof with the Lands and Tenements in the same Grant mentioned, for maintenance and sustentation of a Master and two poore Schollers, for teaching of Schollers in the Art and rudiments of Grammer; the Patronage of which Schoole Copy of the Grant.

PROOFS.

SECT.

An exemplification was intayled vpon the heires males of the said *Thomas* of a Record and was Lord Berkley.

Smiths Decree in 5. In this estate the Schoole continued for the
Chancery, Sect. 40. space of 200. yeares, and vntill *Smith* endeuoured
Numero 7. to alter the same; and the Lands belonging to the

a Certificate of the Schoole are worth 300. pound *a per annum* at this
Archbishop of Cam: day.

Bishops of London 6. That *Robert Coldewell* was Schoolemaster of
and Winton to his that Schoole, duly presented, and was in right there-
Maistrie. of seized of and in all the lands & Tenements there-

b Confessed by to belonging, and being so seized, by his b Inden-
Smiths said Decree ture vnder the common Seale of that Schoole, bea-
in Chancery, Sect. ring date the 27. of May, in the 37. yeare of the
40. Numero 8. reigne of King *Hen.* the 8. did demise one messuage

with the appurtenances called Warrens Court, in North-Nibley in the said County of Gloucester, parcell of the said Schoole lands, vnto one *William Thomas* his Executors & Assignes, from the feast of the Anunciation of the blessed Lady S. *Mary* the Virgin then last past, for the terme of 88. yeares, for the yearely Rent of fourtie eight shillings.

c Confessed by the 7. That *William Thomas* by his last c Will, Da-
same Decree. Nu- ted Anno Domini 1556. did bequeath the said Lease
mero 8. and residue of the Terme of 88. yeares, vnto *Alice*

his wife and Executrix for her life, and after to *Grace* Daughter of the said *William Thomas* and *Alice*, and after to the Children of the said *Alice* by *John Moore* her former Husband, and to the surui- uor of them, which children were *Richard*, *William*, *Katherine*, *Elizabeth*, *Mary*, and *Joice*, and dyed.

d Will vnder Seale. *Alice* proued that d will, and entred into Warrens Court as a Legacy, and so left the same after her death to *Grace*, who at the suite of the said *Richard Moore*, and the rest of his said Brethren and Sisters being plaintiffes, against the said *Alice* and *Grace*,

were

SECT.

PROCES.

were by an ^e order in Chancery (where that suite ^e 2. Orders.
was commenced) in the 26. yeare of the reigne of
Queene *Elizabeth*, compelled to bring the said ori-
ginall Lease into that Court, where it was by con-
sent of *Alice*, and all the said Legatees to ^e remaine ^f *An Exemplifica-*
and safely there be kept for the vse of them all; that *tion of the Answers*
they might take the benefit thereof one after ano. *of Alice and Grace.*
ther, vntill the expiration thereof.

8. That the said Lease was so kept the space of
18. yeares, and vntill *Smith* married the said *Grace*,
which was in the 39. yeare of the reigne of Queene
Elizabeth, and then *Smith* (perceiuing that all other
the ancient Leases of the Schoole lands were come
to an end, except the Lease of Warrens Court)
began his endeouours and practises to get all the said
Schoole lands, and to that purpose did by diuers
practises and vntrue suggestions in Chancery (there
being then none to oppose him) ^g obtaine the said ^g Order.
Lease out of Chancery vnduly, and the same de- ^h Order.
teyned in contempt of the ^h Orders of that Court.

9. That *Smith* (hauing so gotten that Lease)
delt and practised with one *Henry Dupont*, that *Du-*
port should ⁱ pretend some tytle to the Patronage ⁱ Copy of *Smith's*
of that Schoole, and to the inheritance of the Lands ⁱ Answer to Bishops
thereto belonging; whereupon *Smith* and that *Du-*
port gaue forth in speeches, that the said *Dupont* ⁱ Bill in the Exche-
had good tytles thereunto, and *Smith* also practised ⁱ quer, and of the Bili.
with *Iohn Dupont*, and *James Dupont* (who then had
possessed themselues of the said Schoole and Lands
as masters and owners thereof) to set on foot ano-
ther tytle; and so *Smith* for some small matter to
those three *Duponts* got possession of all the Schoole-
Lands as his owne Fee-simple, and likewise the Pa-
tronage, and the better to colour that his practice
^k tooke conveyances from the *Duponts*. ^k Counterpart of the
Conveyance, razed
in the summe set
downe for considera-
tion.

1 Copy of Smiths
Answer in the Ex-
chequer, and of the
Bill.

m Copy of Smiths
said Answer in the
Exchequer, and of
the Bill.
n Smiths Patent.
o Witnesses.
p Witnesses.

q Smiths Decree in
Chancery.
r Assignment from
Loicero Crokey and
warrant of Attor-
ney.
s Letters of Admi-
nistration.

10. That *Smith* Anno 6. *Regni regis Jacobi* vnduly placed one *Edward Cowper* Master of that Schoole, vpon whose induction *Smith* caused *Cowper* to conuey all the Schoole Lands in Fee to one *John Browning* father to *Smiths* wife, and to one *Bolton*, which *Browning* and *Bolton* soone after conueyed the same and leuied a Fine to *Smith* and his heires for euer, and so *Cowper* continued as Schoole-master, but neuer exercised the place, or had any thing there to doe, but others as Deputies there were placed by *Smith*, and so *Smith* made *Cowper* but as his stale.

11. That *Smith* (by colour of the said seuerall conveyances, and vpon expiration of all the ancient Leases about that time, viz. about Anno 6. *Regni regis Jacobi* worne out, sauing the said Lease of *Warrens Court*) m entred a vpon 38. Tenements belonging to that Schoole, hauing possessed himselfe of *Warrens Court* before, and did let those Tenements for long termes vpon Fines, and the Tenants tooke Bonds of *Smith* for the quiet enioying; and shortly after *Smith* p called a Court Baron in his owne name, as Lord and owner of all the Schoole lands, and summoned all the Tenants of the Schoole lands as belonging to *Warrens Court*, and kept Courts Baron in the Schoole-house.

12. That the said *Loice* was last suruiuer of all the said Legatees, as *Smith* hath q confessed, and the said *Loice* (so being lawfully intytled vnto all the remaine of 88. yeares in *Warrens Court*, which was 21. yeares then to come) did for diuers considerations duly r assigne the same Lease to *Crokey* her Nephew (which *Crokey*, was sonne of the said *Katherine* one of the said Legatees) and dyed intestate, and *Crokey* s administred, and this was about 12. yeares

yeares since, whereupon *Crokey* (being interessed in Warrens Court, and *Smith* being in possession thereof, and the said *Grace* his then late wife being dead, and by her death *Smiths* interest in Warrens Court ending) *Crokey* commenced a suite in Chancery against *Smith*, and made his entry thereinto, and depending the said suite in Chancery *Smith* (still to colour his bad tytles to outface the world, and to vex *Crokey* with suites) brought an action of trespassse against *Crokey* for that his entry; in which suite *Smith* proceeded to tryall without *Crokeyes* priuity, and so that Tryall passed by default, whereby *Smith* recouered of *Crokey* 7.pounds for costs, though *Crokey* at the beginning of that suite obtained an order in Chancery for stay thereof, or to shew cause to the contrary which *Smith* did not, but in contempt went to tryall as aforelaid. Order.

13. By these suites with *Smith* for Warrens Court, *Crokey* tooke knowledge of the foundation and state of the Schoole, and withall of *Smiths* said practices against the same, which practices of *Smith* stirred vp *Crokey* more for defence of the Schoole, then for his owne tytle as may well appeare by that which followeth.

14. That there haue beene 33. seuerall suites in *Seuerall Records* touching the said Will of the said *William Thomas*, *exemplified, and Copies of Record.* whereupon there were Virdicts, Decrees, Non-suites, and Dismissions: and the question in all which suites was, whether that the remainder of yeares in Warrens Court should goe and be to the Legatees, or to the Executors by the said Will, in all which suites Iudgement was alwaies for the Legatees vnder whom *Crokey* claymes, and *Crokey* hath an approoued good and lawfull tytle to Warrens Court during the remainder of 88. yeares, and *Smith*

Smith hath no right thereunto, nor had since the death of *Grace* his said wife; howbeit *Smith* by his vntrue reports ordinarie with him, and by some false colours hath so shadowed the matter, as that he hath made all men beleeeue, that all the said seuerall suites were in affirmation of his vniust clayme, vnder a pretended tytle from one *Sprint*, coloured by a Decree in Chancery 19. May, 43. R. *Regine Elizab.* obteyned by *Smith* deceitfully, as also by a dismission caused by colour of that Decree, which Decree and dismission were against one *Moore*s Tytle, not against *Crokeyes*; which Decree and dismission last spoken of, or his said pretended tytle from *Sprint*, *Smith* in all his suites with *Crokey*, or in any of them could neuer make good: though *Smith* hath laboured therein all he might, but the same were alwaies held and deemed deceitfull and fraudulent.

15. That *Crokey* (for his owne right, but especially in his tenderneffe and zeale for preservation of the Schoole and inheritance thereof) prosecuting the before mentioned suite in Chancery against *Smith*, *Smith* (further to colour those his practises before spoken of for maintenance of his iniurious dealing against the Schoole and *Crokey*) exhibited an ^u Information against *Crokey* and the said *Toice Crokeyes* Aunt to the court of Common pleas vpon the Statute of Maintenance and Champerty, which suite was commenced 20. July Anno 12. *Regni regis Iacobi*; in which ^x Information, he the said *Smith* set forth, that the first day of Ianuary in the 11. yeare of his Maiesties raigne, and by the space of two yeares next before he was, and then was seized in his demeasne as of fee of and in one capital messuage called Warrens Court, and of and in 60. Acres of land, 20. acres of meddow, and 30. acres of pasture, and

^u Exemplification
of the Triall.

^x Information.

and 20. Acres of Wood, situate and lying in *North-Nibley* in the County of *Glocester*, and the Rents and profits of the same Tenements with the appurtenances, to his owne proper vse for all the said time of 2. yeares had and receiued, *Smith* pretending further thereby, that *Joice* not hauing any right or title, and notwithstanding pretending right and tytle to the premises conueyed the same to *Crokey*, and so both *Joice* and *Crokey* within the Statute of Maintenance and Champerty; to which Information *Joice* and *Crokey* pleaded, and the cause came to tryall at the Bar 26. April Anno 13. Regni regis Iacobi, & vpon full euidence *Smith* was 1. nonsuited, and yet vpon opening of the said suite in Chancery (which was but 3. dayes after the said tryall) *Smith* by his indirect practices procured a 2. dismissal to the Law without any further hearing. y The same Extension.

16. That vpon the said Dismission in Chancery, *Crokey* sealed a 2. Lease for 5. yeares to one *Thomas a Bodham* whereon to bring an action of *eiectione firme*, all of the tytle, for tryall of the tytle, and thereupon *Crokey* commenced a suite in the Court of Common pleas against *Smith*; In which suite the Iudges of that Court (perceiuing the many vniust suites and sinister practices raised and prosecuted by *Smith* against *Crokey* & against the Schoole) made seueral 3. Rules in Court (but with the assent of *Smith* and his Councel) that if the verdict vpon that Tryall should passe for *Crokey*, that then *Crokey* should forthwith haue possession, and no writ of Error should be granted, although the said Lease for the eiectionment should be expired. b The Rules.

17. That *Smith* (to weary *Crokey* in that suite with vexations and delays as before in the rest he endeououred) in May Anno Regni regis Iacobi 13. commenced a new suite in Chancery against *Crokey* for the same

c Order of Dis-
mission.
d Copy of Smithes
Answer to the said
Bill.

e The said Copy of
Smiths Answer.
f Order.

g Copy of the Lib-
ters Patents.

Copy of Certificate
and Decree upon the
Commission for Cha-
ritable uses: and
Witnesses.

h Note from the
Rolls.

i Order.

same cause, which was ^e dismissed in July, Anno 15.
Regni regis Iacobi: And also another suite by *English*
Bill in the Exchequer Chamber *Termino Pase: An-*
14. Regni regis Iacobi in the name of one *Edw: Bishop* a
friend of *Smiths*, and his chamber-fellow in the Inner
Temple, which suite though it seemed to bee com-
menced against *Smith* (for therein he made himselfe
defendant and answered the said Bill) yet that Bill
was exhibited by *Smith* himselfe fraudulently, & the
same Bill *Smith* ^e answered, and in that his Answer
stood vpon all his sayned tytles, and *Smith* likewise
tooke out a ^f Commission for examination of wit-
nesses, and ~~summed~~ diuers witnesses to proue that
Bill, and so proued the Bill, and thereby, that all the
lands belonging to the Schoole were concealed and
within the Statute of *1. Edw: 6.* and so that suite cea-
sed, and all that suite was at *Smiths* charge, for there-
in he made himselfe both plantiffe and defendant;
whereupon *Smith* (for little or nothing) bought *Bi-*
shops tytle, but withall tooke letters & Patens thereof
vpon the Commission of defective tytles to him and
his heires for euer, for which he paid to his Maiestie
5. pound, and was to pay xi. s. Rent *per annum*, by
which tytles *Smith* meant to hold the Schoole lands
as he holdeth other ^h land in *Suffex* by those tytles
to this day; And further about the same time (still
to delay *Crokeys* said suite vpon the Electment) *Smith*
commenced (or rather but reuiued his other foyled
suite of Maintenance and Champerty, which before
he had brought in the common pleas) a suite in the
Star Chamber against *Crokey*, and foure others, *Cro-*
keys friends for maintenance and Champerty,
therein surmising forgerie, and periurie, wherein
Smith also pretended a tytle of inheritance to
Warrens Court, whereupon and vpon other false
suggessions, *Smith* obtained an ⁱ Injunction for
stay

stay of *Crokeys* laid tryall vpon the Eiectment, and by that meanes the said Tryall was stayed foure yeares to *Crokeys* great vexation and trouble, and to his expence of foure hundred pounds or thereabouts in that proceeding, *Crokey* being inforced to attend that Court euery Terme with counsell for dissoluing that Iniunction, but could not, but in the end was inforced to labour for a hearing, for which he procured foure seuerall peremptorie ^k Orders in ^k 4. Orders. foure seuerall Termes for hearing of the said Starchamber cause so commenced by *Smith*, during which delay *Smith* gaue forth in ^l speeches, that he ^l Affidavit. would weary *Crokey* by suites in Law, and that it was as possible for *Crokey* to remoue a Mountaine, as to preuaile against him the said *Smith*.

18. That after foure yeares toyle and suite in the Starchamber, that cause there depending by *Crokeys* great trauaile and cost was heard, and *Crokey*, and the rest of the Defendants were absolutely ^m dismissed ^m Order. with good costs, but when the costs should haue bene taxed; *Smith* so practiced and wrought, as that *Crokey* could not get them to be taxed, but was inforced diuers times to moue that Court for order therein, whereupon in the time of the Lord Chancellor, the Lord *Mandevile*, and the ^{late} Lord Keeper, *Crokey* obteyned diuers Orders in open Court for the Costs ⁿ to be taxed, with increase of ⁿ Seuerall Orders. Costs for *Smiths* delays: which costs were drawne vp to ^o 297. pound, and (notwithstanding the said ^o Bills of Costs. Dismission and Orders) *Crokey* could not obtaine Costs to be taxed: whereupon *Crokey* in May 1623. Petitioned the ^{late} Lord Keeper therein, but so farre was his Lordship abused by the false suggestions and practices of *Smith*, and so much incensed against *Crokey*, that his Lordships Answer ^p to ^p Crokeyes Petition, and the Lord Keepers Answer that Petition was, and so subscribed it, that *Crokey* thereto,

deferued to haue his eares cropt off for abusing him, in that his Lordship neuer refused to taxe Costes at the end of euery Terme : And yet *Grasvenor Crokeyes* Attourney did & affirme, that hee often had presented the Bill of Costes to his Lordship to bee taxed, and that hee was neuer more wearied then with vrging his Lordship therein, and for that his Lordship had denyed to doe it, hee durst not moue the same againe; But shortly after vpon vntrue suggestions by one Master *Trotman* of *Smithes* Councell, and by *Smithes* practises together, and without the priuie of *Crokey*, or his Councell, or Attourney *Smith* obtained ^r Order for remitting all the said Costs, which Order *Crokey* could not get to be reuerfed.

^r Order.

19. That (the said Starchamber cause being dismissed) *Crokey* laboured very earnestly many Termes for a Tryall vpon the said Lease of eiechtment according to the said Rules in Court, and to his great trouble and charge brought vp his Witenesses (some of whom dwelling one hundred miles from *London*) and diuers Termes see'd his Councell and ^r 48. Iurors were summoned before a Iury did appeare, And so after foure yeares delay and more, the said cause was tryed at the Common Pleas Barre, viz. *Termine Pasce Anno 18. Regni regis Iacobi*, And vpon the sayd Tryall it was found for *Thomas Bodham Crokeyes* Lessee in the eiechtment, as is more at large related in the 28, 29. & 30. Sect. and how *Crokey* was delayed in the Iudgement and altogether defeated.

20. That depending the said suites, and *Crokey* hauing fully informed himselfe of the estate of the Schoole, and of *Smithes* practises for supplanting thereof, and getting all the said Schoole lands, *Crokey*

^r Copy of the Panell
and Distringas.

fin att triall

q Affidavit.

— keeps of y^e same
it seems thin hast
costly thing

key (to restore the said Schoole, and to reduce all things into their former being, according to the said foundation) Anno 1617. obtained a Commission to inquire of the whole matter concerning the said Schoole and the lands thereto anciently belonging, according to the said Statute of Charitable uses; And for execution of the said Commission, *Crokey* * procured a day to bee appointed, and provided his Witnesses and all matters incident thereto, and also got a ^u Jurie to appeare, but all was defeated by the practices and power of *Smith*, and a second time in like manner: Whereupon *Crokey* petitioned to his late Maiestie, and his Maiestie (being gratioously inclined to the furtherance of the charitable and good course of the Lawe and Statute in that case provided) was pleased according to his Maiesties Commission vnder the great Seale of *England* before granted, that the Bishop of Gloucester and any 4. of the Commissioners in that Commission named, should with convenient speed enter into the examination of this cause, and according to the authority giuen to them in the same Commission finally determine and effect the same, so as there should be no cause giuen of any further trouble to his Maiestie, as by his Maiesties * direction signified by Sir *Daniel Dun* 5. September 1617. may appeare; which said Commission, and that his Maiesties direction notwithstanding, by like practices of *Smith* was interrupted and defeated a third time, and so *Crokey* lost that Commission, and all his labour and charge, and nothing done therein. And in the year 1618. *Crokey* procured a * War-
rant for a second Commission from the Lord Chan-
cellor for the same purpose; which 7 Commission y
being ingrossed in the Crowne office, and ready for
the Seale (*Crokey* hauing then paid the charge there-

t The Commission
ners Warrants.
u Witnesses.

* Petition and Di-
rection.

x Warrant.

y Commission.

PROOFS.

SECT.

z. *Witnesses.*

a *Commission under the great Seale.*

b *Warrant for a day of Sitting. Witnesses.*

c *Certificate of the Commission.*

d *Witnesses.*

e *Bond from Sir Iohn Pointz and minors to Crokey.*

f *Witnesses.*

of) was by like practices of *Smith* there kept from *Crokey* for 2. moreths and more. And whilst the said Commission was so stayed in the Crown office *Smith* practiced with one *John Hunt* to alter the Commissioners names, contrary to the Warrant deliuered in by *Crokey*, and so that Commission was ingrossed of new, and some of the Commissioners names in the Warrant were left out in the Commission,^a and others of *Smiths* friends put in : howbeit *Crikey* took that Commission as it was, and laboured for the execution thereof, and a day^b was appointed, and *Crokey* with Iurors and Witnesses, and all things else ready on his part to haue beene done, but by the like practices of *Smith* there did come to the place assigned for execution of the said Commission but three^c Commissioners of 7. that had signed the Warrant, when no lesse then foure could execute it, whereby that Commission was also avoided, and all *Crokeyes* labours and charges lost.

21. That in the meane time the Commission was so kept back, *Smith* practiced with Sir *Iohn Pointz* Knight, and one *Henry Minors* to take a Commission forth of the Exchequer, whereby to finde the possessions of the said Schoole to be^d concealed as Chantry lands giuen to superstitious vse, and within the Statute 1. *Edward 6.* wherein *Smith* so handled the matter, as that Sir *Iohn Pointz* and *Minors* did take such a Commission forth of the Exchequer, and being Patentees^e were also therein

22 That the said Sir *Iohn Pointz* and *Minors*, about August Anno 1618. went to *Tidbury* in the said County of *Glocester* for execution of their said Commission, where (hauing a Iurie^f of simple men, some whereof being of *Smiths* kindred) yet that notwithstanding they would not proceed at that time, because

because *Crokey* was there ready with all things for defence of the Schoole and possessions thereof, and among other things with a Case drawne and resolved on by Sir *Henry Telverton* and Sir *Thomas Coventry* his late Maiesties Councell at Law vnder their hands, affirming that the said Schoole and possessions were free from superstitious vses, and no way within the said Statute of 1. *Edward 6.* whereupon Sir *Iohn Pointz* loone after laboured *Crokey* very earnestly for a composition, which *Crokey* vterly refused, and soone after that Sir *Iohn Pointz* and *Minors* met againe vpon their said Commission at *Wickware* in the said County of *Glocester*, viz. the 13. of h October 1618. At which time *Crokey* likewise attended, but before they sate both Sir *Iohn Pointz* and *Minors* earnestly pressed *Crokey* to a composition, which *Crokey* againe vterly refused as before, whereupon they proceeded with a like simple Iurie as they best pleased, notwithstanding *Crokey* stood in defence of the Schoole in all he might, and so it was found, that the said Schoole and lands thereto belonging were given to superstitious vses, and within the Statute of 1. *Edw: 6.* and yet the said Sir *Iohn Pointz* and *Minors* laboured againe at that time with *Crokey* for a Composition, and offered their k Bond k of 2000. pound to *Crokey* with condition for the assuring of *Warrens* Court to *Crokey* and his heires in Fee farme, and to set him in possession thereof; And albeit *Crokey* well did know that all their offers were but to intrap and to draw him from defending the Schoole, and that by *Smiths* plot and practice, yet *Crokey* also perceiuing that they profered him some aduantage whereby they might afterwards intrap themselves, was content to take such a Bond, so as he might haue the drawing of the Bond and Condition which they assented gladly vnto, and so *Crokey* did cause the Bond

g. Cas

h Wienneses and
Warrant from Sir
Iohn Pointz and
Minors.

i Witneses.

k Bond.

PROOFER.

SECT.

1 Witnesse Master
Hart.

Bond and Condition to be drawne, wherein he caused Sir *John Pointz* and *Minors* to bee mentioned both Patentees and Commissioners, which was all that thereby *Crokey*¹ sought, to the end the practices by them and *Smish* might the better appeare, *Crokey* then knowing no other, or better way for discouery of their said practices, neither did *Crokey* so much as promise, much lesse assure to them any thing at all, but forthwith shewed to the Lords grace of *Canterbury* the said Bond, and fully acquainted his Grace therewith, and of all their other practices against the Schoole, as formerly he had done.

2nd Witnesse, Master
Hart.

23. That thereupon his Grace sent his Soliciter ⁱⁿ Mr. *Hart* with *Crokey* to the Lord chiefe Baron of the Exchequer for trauesing of the said vndue proceedings, & reuersing of the said Inquisition, and (according to the Lord cheefe Barons direction) *Crokey* moued that Court of Exchequer by his Councell, whereupon a day was giuen to Sir *John Pointz* and *Minors* to come in for maintaining their said Inquisition which they refusing to doe, the said Inquisition, and Commission by an expresse ^{an} order in that Court were suppressed and made voide.

in Order.

in Order.

24. That *Smish* (to manifest his craft in dawbing) did then also moue the Court of Exchequer by his Councell for making voide the said Inquisition, and Commission, whereupon in the said ^{an} Order the name of *Smithes* Councell was soisted, in stead of *Crokeys* Councell, as if *Smish* had bene the chiefe and onely opposor, and not the procurer of the said last mentioned Commission and Inquisition, whereby *Smish* did not onely delude the said Court of Exchequer, but the Country also for when he perceiued that Plot with *Pointz* and *Minors* would not take, then *Smish* began to make a shew of a pious intent, to make and erect a new foundation of that Schoole

but

but yet in his owne name, and for his owne glory, whereby to outface and blindfold the world, that his former practices for supplanting thereof might not be seene. And to that purpose indowed the Schoole with $\text{£} 12$. pound Rent *per annum* out of her possessions of 300. pound *per annum* all being in the hand of him and his Lessees. And for divulging of that disguised pietie and bounty therein, ordeyned 25. Fees for establishing of that his new false foundation of the Schoole and possessions, wherein hee had not, nor hath any interest lawfull at all.

25. That *Smith* (knowing his owne guiltinesse) doubted that one *Prichard*, then as Master of that Schoole, placed there by *Smith* did incline to the assistance of *Crokey* for righting the Schoole, And in that doubt *Smith* set ¶ vpon *Prichard* with diuers high and threatening speeches, and warned *Prichard* that at a certaine day by *Smith* peremptorily prefixed, *Prichard* should depart from the Schoole as a professed maintainer thereof against *Smith*, or else that *Prichard* must expect to be by *Smith* thrown out by violence, inso much that (vpon *Prichards* flighting of *Smiths* threatenings) *Smith* (in outrageous & violent manner being accompanied with some 20 men) came to the Schoole and threatened to vnr-
Witnesses,
 tyle the Schoole-house, and to throw *Prichard* out if hee would not presently depart, and by those meanes, and by frighting *Prichards* wife (being then in childe-bed) *Prichard* was inforced to leaue the Schoole to *Smith*, and so vpon composition left it.

26. That *Crokey* moued the Lord Chancellor for a third Commission vpon the said Certificate from three of the Commissioners in the said second Commission, which notwithstanding, and though *Crokey* had obtained diuers Commissions before, yet vpon *Smithes* vntrue suggestions and like practices, it was

*Confessed in
Smiths Decree in
Chancery, Sect. 41.
num. ibid. 13.*

Witnesses.

PROOFS.

1 Order.

SECT.

so ordered the 16. of Iune Anno 17. Regni regis Iacobi, that thereby *Crokey* was not onely debarred for obtaining any further Commission in behalfe of the Schoole, but also thereby disgraced, and all his proceedings therein as much as might be; and *Crokey* (being so stopped and preiudiced) petitioned his Maiestie to referre the finall hearing and determining the cause for the Schoole to the Lord Archbishop of *Canterbury*, the Lords Bishops of *London* and *Winton*, and to the Lord *Hobart*, or to any 3. or 2. of them, whereupon his Maiestie was graciously pleased, that the said Lords should take the contents of the said Petition into their speciall consideration, and after hearing & examining all particulars incident thereunto, should make report in writing vnto his Maiestie what they should finde fitting to be done, aswell for awarding such a Commission as was petitioned for, as for the certefying and determining the whole cause according to Iustice and good conscience; as by the said Petition and Reference signified by Secretary *Nanton* of the 24. of Iune 1619. appeareth, which Reference *Crokey* diligently prosecuted, but *Smith* would not by any meanes appeare before the Committees assigned by that Reference, vntill *Crokey* had procured foure seuerall Warrants, *Smith* well knowing that *Crokey* had brought vp to *London* many *Witnesses, some of whom 100. miles distant from thence to his great trouble and charge; and that *Crokey* had them in a readinesse the first day appointed by the said committees, and had seend his Councell diuers times therein for the better information of their Lordships in the behalfe of the Schoole.

2 Petition and Reference.

3 The Warrants.

4 Witnesses.

27. That vpon the fourth Warrant *Smith* appeared, and the cause vpon the said Reference came to be heard before the Lord Archbishop, and the other

ther 2. Lords Bishops; & vpon opening the cause, & arguments and proofes before their Lordships made by the Councell on both sides, their Lordships x certified his late Maiestie of the powerfulness & indirect x *Certificate*: practices of *Smish* for getting the inheritance of all the Schoole lands worth 300. pound *per annum* for 5. pound y In which *Certificate* their Lordships held y *Certificate*: fit, that *Crokey* should petition the Lord Chancelor, for a third Commission to settle the said Schoole in her ancient estate. *Crokey* accordingly Petitioned, and therevpon obtained an Order z in Chancery of the z *Order*: 21. of Ferbruary, *Anno 18. Regni regis Iacobi*, that a Commission should be awarded to the Bishops of Gloucester and Bristol and others: Whereupon *Crokey* laboured for another Commission according to the said Order, but could not prauaile vntill he complained to the Parliament, which was about 16. moneths after the said Order, and then he obtained another a *Order in Parliament*: Commission which was duly executed as more particularly appeareth in the 37. Section of this Relation.

28. That *Crokeyes* Tryall vpon the said Lease of Eiectment by *Smishes* indirect dealing, was delayed 4. yeares and b more, but after that delay it was try- b *Copy of the Verdict and Indgement*: ed at the Common pleas Barre, viz. in Easter Terme *Anno 18. Regni regis Iacobi*, though *Smish* earnestly laboured by himselfe and others to haue auoyded that Tryall, and *Smish* then laboured to seduce the said *Bodham Crokeyes* Lessee to c release, vpon which Tryall, the matter was so strongly defended c *Witnesses*: by *Smishes* Councell, that the Tryall continued from 9. in the morning to 1. in the afternoone, which was by reason *Smish* and his Councell stood so mainely and so confidently vpon his said feuerall bad tytles and practices.

29. That at that Tryall the Lord *Hobart* and the rest

rest of the Iudges of that Court ~~and~~ all good and iust endeouours for discovering of the truth whereby *Smithes* bad tytles (so strongly vrged and insisted vpon) were confuted, which *Smith* perceiuing, and that the Tryall must needs passe against him, and thereby all his practices come to light, and bee brought to naught to his vtter disgrace and infamy : *Smith* cryed ^d out with a lowd voyce in most earnest and pittifull manner to the Iudges that he was vndone, if they would not haue compassion on him, and with all besought them in all he might to draw *Crokey* to some composition, or to ~~referre~~ the caule to them : Whereupon the Iudges in compassion of *Smith* earnestly moued *Crokey* to referre the matter to them, but *Crokey* refused so to doe, telling the Iudges that the caule concerned the Schoole more than himselfe, and for which he had vndertaken, and was ingaged both in his duty to God, for the common good, and by his profession to his late Maiestie, the Archbishop of *Canterbury*, and others; And these motions by *Smith* to the Iudges, and the Iudges to *Crokey* were betweene the time of the Iuries going from the Barre, and giuing vp their verdict which was not giuen vp vntill the next morning, and then it passed for ^e *Crokeyes* laid Lessee.

^e Copy of the Verdict and Iudgement.

30. That a day or two after the verdict, *Crokey* by his Councell moued the Court for Iudgement and possession according to the aforesaid verdict and Rules, made by the assent of *Smith* and his Councell as aforesaid, which Rules and verdict notwithstanding, and notwithstanding also the 4. yeares delay and more of that Tryall by *Smithes* meanes, and the Statutes of Ieofaile made 32. H.8. C.30. 2.Edw:6. C.32.18. Eliz. C.13. by which (as *Crokey* conceiued) *Smith* was debarred from vsing any further delay after the Verdict, yet *Smith* (still persecuting his opportunity

portunity ~~to~~ to the Iudges, and vpon his false suggestions to them) was permitted to speake in arrest of Iudgement, whereby *Crokey* was delayed both the Easter and Trinity Termes next after the Verdict, and the said Lease of Eiectment (which was for 5. yeares) being then well-nigh expired, *Crokey* in the latter end of August then next following Petitioned his Maiestie for his Maiesties direction to the Iudges in that behalfe, whereupon his Maiestie was pleased to signifie his pleasure by Sir *John Sucklyn* then Master of Requests 3. Sept. 1620. which was, that the Lord *Hobart*, and the rest of his Maiesties Iudges of the Common pleas should cause the said Rules of the said Court, so made in open Court by consent of both parties, to be performed according to the true intent and meaning of the same; In regard the Lease for tryall of the tytle in the premises made to the said *Bodham*, was that moneth of September to expire. Which directions from his Maiestie *Crokey* presented to the Lord *Hobart* before the expiration of the said Lease for the eiection; which Directions notwithstanding, & notwithstanding also the said Rules, and the Statutes of Ieofaile & 4. yeares delay, before the said Tryall, *Crokey* could not obtaine Iudgement, vntill the said Lease for Tryall of the Tytle was expired, and then Iudgement was awarded; But the said Lease being by the said delays worne out, *Crokey* could not by Law haue any Writ for possession according to the said Verdict Rules, and his Maiesties most gracious Direction and intention in that beholfe so signified; or the said Statutes of Ieofaile; All which delay and stay of iudgement, seeming onely to be but vpon a meere suggestion by *Smith*, which & was that one of the Iurers names called *Tippets* was mistaken, and in the Record written *Tripets*, and though *Crokey* did be,

& Copy of the Petition and direction,

& Affidavit to prove Tippets name so to

h. Witnesses.

often during that delay of Iudgement offer to h. proue, and to produce the Record to shew the contrary, and in the end did proue so much.

31. That during the said delay of Iudgement, and betweene the said Verdict and Iudgement *Smith* (to crosse all former proceedings of the Schoole and the Verdict) vpon diuers vntrue suggestions compiled in a Petition to his late Maiestie procured a Reference from his Maiestie signified by Sir *Sidney Mountaign* Master of Requests 25. Junij 1620. The effect of which Petition and Reference; As also *Crokeys* Answer thereunto next follow, viz.

i. Copy of the Petition and Reference.

N Y M.

PETITION.

ANSWER.

1. That a Tryall in Easter Terme anno 1620. was had in the Common Pleas, in an action of *eiectione firme* brought against *Smith*, by *Thomas Bodham* Lessee to *Crokey* for a messuage and 50. Acres of land in *Norib-Nibley* in the County of Gloucester, parcell of the Possessions of the said Schoole, wherein *Crokey* claymed a Lease for 12. yeares.

2. That *Smith* had against the said Tytle Verdicts, and Non-suites at Law, and Decrees, and Dismissions in Chancery.

3. That at the last Tryal *Crokey* had vrged vntruly & impertinently, that *Smith* had indirectly endeououred the suppressing of the Schoole, and sought to conuert the

1. It is true that such an Action was brought, but it was laid for the said Messuage and 130. acres and a Mill, as before was layd by *Smith* himselfe in his Information for Champerty brought in the Common pleas, for which *Crokey* hath offered prooffe, Sect. 15. *Crokeyes* tytle was for 21. yeares when hee made his first entry before related, and so offered to be proued, Sect. 12.

2. That this is most vntrue will appeare by that which *Crokey* before in the 14. Sect. hath truly related.

3. That *Crokey* in this vrged nothing but truth, is manifestly proued before in diuers places of this his Relation: But it will appeare more plainly in *Crokeys* Answer

N v m.

the possessions thereof to his owne priuate benefit.

4. That *Smith* (not hauing informed his Councell in that point being no way pertinent to the issue) *Crokey* obtained a Verdict against *Smith*, wherein no Iudgement was then entred.

5. That *Smith* was able to proue he had beene so farre from wronging the Schoole, as that he had done many acts to his great charge for prseruing of it, and had bought in tytles that might haue troubled it, and was ready to establish the Schoole in such sort as should be fit.

6. Wherefore and for acquittall of his reputation, and for settling a finall end betweene *Smith* and *Crokey*, and for auoydance of multiplicity of suites and other inconueniences likely to arise, desired that the consideration thereof might be referred either to the Iudges of the Common Pleas, or to such others as his Maiestie should thinke best for such end and order as should be fit.

to the Decree mentioned Sect. 41. Numero decreti 19.

4. *Smith* had informed his Councell in all things, but used all meanes possible to stay Iudgement, of purpose to weare out the Lease made for tryall of the Tytle, or to bring *Crokey* to a composition, as before is truly set forth. Sect. 29. 30. 31. 32. & 33.

5. The whole tract of this Relation and proofes proue this to bee very false, and that *Smith* hath endeouored as much as in him lay to make good to himselfe all those bad and feigned tytles against the Schoole, and for that purpose did many acts, and those most wilde and unconscionable, for an ending whereof, vide Sect. 40. Numero Decreti, 19.

6. *Smithes* backs being at wall, and all his plots and deuises being discovered, and when no better would be, he now to saue his reputation, makes a great shew of innocency, his ayme being by some compromise to take off *Crokey* from further prosecution for the Schoole, which was laboured as much as might be, but all in vaine, for *Crokey* had then, and still is resolved (by Gods grace) to right both the Schoole and himselfe, that neither may be subiect to *Smithes* gins or deuotion.

7. That

7. *Crokey*

REFERENCE.

7. That his Maiesties pleasure was, that the Iudges of the Common Pleas taking consideration of the Petition, should call the said parties before them, and thereupon take order to settle the state of the Schoole, and for auoyding of further suites to compose the differences of the said parties if they could.

7. Crokey observed his Maiesties Reference in all things.

But Smith laboured the contrary as may well appeare by the use hee made of this his Maiesties gracious intention, which was to settle the Schoole according to the foundation, and to right Crokey, and not to alter the same, or to preiudice Crokey, and so his Maiestie before had declared by the signification of Sir Daniel Dun, Secretary Naunton, and Sir Iohn Sucklyn.

PROOFS.

SECT.

32. That *Smith* vsed the said Petition and Reference to the intent aforesaid, and as an Instrument to moue the Lord *Hobart* further to presse *Crokey* to a composition, and to delay the Iudgement, and so it came to passe, for at the hearing vpon *Smithes* said Petition and his Maiesties Reference thereupon, the Lord *Hobart* pressed *Crokey* to referre the matter to him and the other Iudges of that Court, which *Crokey* refusing could not obtaine Iudgement (as before is said) vntill the Lease was expired, and then obtained Iudgement, but no possession notwithstanding the said Rules Verdict, and his Maiesties said expresse directions for the same: But *Smith* procured one *Gayre* one of Master *Brownlows* Clerkes to alter the said Rules of Court, by razing and interlynning the ¹ Record; Whereupon, and vpon prooffe made and *Gayres* confession in Court, the Lord *Hobart* and that Court committed *Smith* to the Fleete, for not yeelding possession. But *Smith* shortly after obtained his libertie, and so was at large vntill *Crokey* complained that *Smith* had not yeelded possi-

the Rules.

on according to the said Rules, whereupon *Smith* was committed againe, but shortly after was releaced without performing the said Rules, and so *Crokey* cannot obtaine possession to this day.

33. That shortly after the Tryall vpon *Smiths* said Petition and his Maiesties said Reference thereupon, (*viz.* in Michaelmasse Terme *Anno Regni regis Iacobi* 18.) his Maiesties Attourney^l Generall by di¹ Decree hereafter, rection of the Lord *Hobart*, exhibited an Informaⁿ following, Sect. 41 tion in Chancery against *Smith* and *Crokey*, thereby supposing a confederacy^m between *Smith* and *Crokey*. *m Order.*
key to take away or peruert the possessions of the said Schoole, and to supplant the same. To which Information *Crokey* answered, ⁿ and thereby cleared ⁿ *Crokeys* *As-* himselfe of that suggestion, vtterly disclayming all *swer.* other interest in or to the Schoole or Lands otherwise then by his said right to *Warrens* Court, and his zeale for preferuation of the said Schoole and possessions thereto belonging, and withall by his said Answer charged *Smith* with his feuerall practices against the Schoole, and thereby also shewed in how many cases he had defended the said Schoole against *Smith* and others, that had gone about to supplant it. But *Smith* by his ^o Answer to the said Informa^o *Smithes* *Answer.* tion set forth all his bad tytles herein before mentioned, and thereto added many vntrue suggestions, howbeit vpon the said Information ~~was awarded~~ an ^p Iniunction against *Crokey*, and thereby stopped ^p *Order* *Iniunction.* all *Crokeys* proceedings in Law or Chancery in behalfe of the Schoole, or in his owne behalfe ever since against *Smith*, which Iniunction *Smith* himselfe serued vpon *Crokey*, and which *Crokey* obeying, *Crokey* forbore any further proceeding in Law, or Chancery in that behalfe; and by that meanes all *Crokeys* endeouours which he had so faithfully, and zealously followed in behalfe of the Schoole were vtterly defeated.

PROOFES.

SECT.

feated, contrary to his Maiesties said directions, and contrary to the Honourable and Charitable endowments of the said Lord Archbishop, the Lord Chancellour, and of the Lords Bishops of London and *Winson*.

9 Confessed Smiths
Decree in Chancery.
Lord Hobarts War-
rant.

Witnesses.

Not to be decried.

r Bill in Parlia-
ment.

f Order in Parlia-
ment.

Witnesses.

e Witnesses.

34. That vpon the motion 9 of Master Attorney Generall (according to the direction of the Lord *Hobart*) the Lord Chancellour awarded a Commission vpon the Statute of Charitable vses, leauing the nomination of the Commissioners to the Lord *Hobart*, who nominated Commissioners, *Crokey* not assenting thereunto, But that Commission (though sealed) was neuer put in execution, for the Parliament was then at hand.

35. That *Smith* procured himselfe to be made a Burgesse in that Parliament for *Mishurst* in the County of Suffex 130. miles distant from his residence, and this was anno 1620.

36. That neuerthelesse *Crokey* presented a Bill in that Parliament against *Smith* on behalfe of the Schoole, and thereupon obtained an order of Parliament for another Commission vpon the Statute of charitable (vses so long before sought for by *Crokey*) to inquire according to the Statute of Charitable vses, and withall ordered that the Lords Bishops of Worcester and Gloucester and Bristol, and their Chancellours, and others should bee Commissioners.

37. That *Crokey* sued forth that Commission, and going on in the execution thereof, and hauing before had losses, at Sea and other wayes, and *Crokey* being indebted to one *Augustine Haruy* 50. pound, for which *Haruy* had *Crokeys* Bond of 100. pound, *Crokey* was arrested vpon that Bond, and detained, and when *Crokey* offered to satisfie the debt *Haruy* had made ouer that Bond to one *Asb-*

SECT.

PROOFS.

man, & *Haruy*, and *Ashman*^u together, had made over ^u Order declaring
 the same to one *Fisber*, and so *Crokey* could not know *the same*,
 with whom to deale, which intricacie (as it seemeth,
 and as *Crokey* is verily perswaded) came by the
 meanes of *Smish*, or some of his Agents and confe-
 derates, for that *Smish* had before by himselfe and
 others his confederates dealt with others of *Crokeys*
 Creditors to buy * *Crokeys* debts, and *Crokey* is the * *Witnesses*,
 rather so perswaded, for that at the time *Crokey* was
 so arrested, one *Bird* (whom *Smish* hath long vled and
 employed in his affaires) and one *Archer* a seruant of
Smishes were at that his arrest, and for that also *Smish*
 hath beene very inquisitiue to know what matters
 were against *Crokey* in the Kings Bench, and for that
 also *Crokey* hath since endeouored by all meanes to
 giue satisfaction whereby to release himselfe but can-
 not, as may appeare by that which immediatly fol- *Orders of the Chan-*
 loweth ; For *Crokey* when he had so offered satisfacti- *cery*,
 on, and was notwithstanding so put off, and sued at
 Law in the name of *Haruy*, *Crokey* comented a suite
 in Chancery against *Haruy* and *Ashman* in point of e-
 quity, & there *Crokey* hauing obtained an * Iniuncti- *x An Iniunction vñ*
 on to stay the said suit at Law, *Haruy* & the rest with- *der Scale*,
 out any notice to *Crokey*, or any for him by vnttrue
 suggestions obtained a y Report, and so the cause y *Affedauit*,
 was dismissed and that Iniunction was dissolued, and
 which was at the very time when *Haruy* or *Ashman*
 should haue shewed cause, why they should not haue
 accepted the 50. pound^z principall. Whereupon ^z Order.
Crokey vpon his Petition obtained a a Reference a *Petition Refe-*
 from his Maiestie anno 1620. to Sir *Edm: Boyer*, and *rence*.
 Sir *George Paul* Knights to mediate, but *Harnie* b *Affedauit*.
 though b serued with their Warrant would not
 appeare ; Vpon that *Crokey* obtained an c Iniuncti- *c Iniunction vnder*
 on in the Court of Requests for stay of *Harnies* pro- *Scale*.
 ceedings at Law which *Haruy* also contemned and
 proceeded

PROOVS.

SECT.

d *Protection.*

e *Witnesses.*

f *Petition to the
Parliament and dis-
charge.*

g *Witnesses.*

h *Copies of the Com-
mission, Inquisition,
Certificate and De-
cree.*

proceeded to a Iudgement, *Crokey* vpon that obtained a ^d Protection of the Parliament; At which time *Crokey* going on in the execution of the said Commission so awarded by order in Parliament was notwithstanding his said Protection taken ^e in Execution when the Iudges were gone their Circuit, and the Parliament proroged. And the said debt being so made ouer, *Crokey* was so intangled, as that when *Crokey* and his friends rendered the whole hundred pounds, and 7. pound more for costs for his release of imprisonment, no other matter being against him no penny would be accepted, and so *Crokey* lay five moneths in Prison vntill the Parliament sate againe, and then Petitioning to ^f the Parliament, was released. And all this trouble came vpon *Crokey* when he was to haue followed that Commission so awarded by order in Parliament and by *Smithes* meanes, as *Crokey* is verily perswaded for the reasons aforesaid; yet did not *Crokey* neglect that Commission, but to his great ^g charge of threescore pounds and vpward employed others therein; And so the said Commission was executed at Gloucester by the said Bishops and others, and an Inquisition was found 19. *Regni regis Iacobi* by the oathes of 17. Iurors all substantiall and men of good estates of the County of Gloucester. Whereupon the said Commissioners returned the said Commission and ^h Inquisition, together with their Decree and Certificate thereupon, the same being Dated 19. September *Anno Regni regis Iacobi* 19. which said Certificate and Decree was to the effect following, *viz.*

That there appeared before them aswell the said Iurors, as also diuers Tenants of the said Schoole lands and diuers witnesses to testifie on either side: As also Crokey the prosecutor on behalfe of the said Schoole by his
Counsell

Councell on the one part: And the said Smith claiming the inheritance of the lands belonging to the said Schoole on the other part. which said Smith at the first took divers exceptions against the proceedings upon the said Commission, but afterwards did then and there waive and relinquish all the same and all other exceptions whatsoever in that behalfe, and consented that the said Commissioners should proceed to Tryall of the right, whereupon there was given in evidence to the Iury the said 3. Grants of the 16. of June Anno 7. Regni regis Ricardi 2. of the 1. of July Anno 8. Ricardi 2. and of the 20. October Anno 8. Ricardi 2. as in the 2. 3. 4. Sections are mentioned; and also an Inquisition upon an Adquod Damnum as in the 1. Section is mentioned.

That Smith shewed forth the said Grant from his Maiestie to him and Gylston made as in the 17. Section. and Smith then confessed that the lands therein mentioned were the same that were given as aforesaid to the Schoole, and that Smith then shewed forth also an Exemplification of a Bill, Answer, and Depositions in the said suite brought by Bishop (before mentioned in the 17. Section, and that thereby and by divers other wayes Smith earnestly endeoured to proue that the said Schoole lands were given to his Maiestie by the said Statute of 1. Edward 6. as Chantry and concealed lands.

That it was inferred by the Councell on the Schooles behalfe. That the said suite was but a meere practice of Smith to draw the said foundation within the said Statute of Chantries; and that there was further shewed to the said Commissioners and Iury, a Certificate subscribed by the Lord Archbishop of Canterbury, and by the Lords Bishops of London and Winton, wherein the said Smiths practices for suppression of the Schoole inter alia are mentioned.

That against which evidence for the Schoole Smiths Councell then urged and gave in evidence a Copy of the

Ordinances and Statutes mentioned to be made touching the due government of the said Schoole and of the lands wherewith the same was indowed, and that amongst the said Ordinances Smithes Councell stood especially upon that Ordinance: That the Master of that Schoole for the time being, should bee a Priest and celebrate for the Founders of the schoole. And others in the said Ordinance, named after their departure hence, and whereupon it was earnestly urged by Smithes Councell, that forasmuch as in the deed of foundation. the Lands were given to the Master and two poore Schollers and their Successors, to their aide and sustentation according to the Ordinances, to be made by the said Walter, William, and Katherine, that therefore the foundation of the Schoole and Lands was within the said Statute of 1. Edward 6.

For answere wherunto there was shewed forth the opinions of Sir Henry Yelverton then Attourney General, and Sir Thomas Couentry then Solicitor to the contrary, and that it was then further answered on the Schooles behalfe, that the said Grants and Licences of the foundation, donation, and Ad quod Damnum were absolute to the charitable uses therein expressed, without any mention of any superstitious use at all, and that therein there was no relation to any Ordinances to be made but onely in the Habendum, whose proper Office is to expresse the estate; And that therefore the Ordinances ought to extend onely to order the Succession, and not to make a new use, service or consideration. Besides, it then appeared that the said Ordinances were made long before the foundation of the said Schoole, and therefore of little regard. And that it was then also informed that the said Schoole and the Master, and two poore Schollers in the same, had continually beene maintained according to the said first foundation, untill within 16. years last past, which was not denied by Smith or his Councell.

That

That thereupon the said Commissioners were and are of opinion, that the said Lands ought to be restored, according to the said charitable and pious foundation which continued 100. yeares before the said Statute of Edward 6. and almost 60. yeares after, before it was questioned. And therefore according to the said Statute of charitable uses, and the said Commission to them directed; They did adiudge and decree, that the said Lands should be restored and imployed to the use of the said Schoole, according to the said first foundation. But forasmuch as the said Corporation was of late discontinued, and the Patronage of the said Schoole is claimed by Smith, and was before in question, whereof the said Commissioners could not determine. And Crokey claimeth a Lease of a Tenement parcell of the said Schoole lands, wherof as they were informed, Crokey bath a Verdict and Iudgement against Smith, but cannot (as they were informed, by reason Smith was a Burgesse of the Parliament) obtaine an execution thereof, and hath (as they were also informed) exhausted and spent his Estate in the prosecution, and desired recompence for his great charges therein, they could not adiudge, therefore the same, they humbly referred to the consideration and direction of the Court of Chancery or of the Parliament, to which (as they were informed) Crokey had preferred his Bill for further therein to be done. So as by the said Certificate & Decree it may plainly appeare, that the same Commission was not executed partially or at randon, but equally and iustly, and whereto Smith and his Councell there present consented, and thereby Smith concluded himselfe, Crokey then being absent.

38. That shortly after the returne of the said Commission so executed as aforesaid by direction of the Parliament and Inquisition, Certificate and Decree; thereupon Smith, (perceiuing that the Parliament was soone after to be dissolued) notwithstanding

i Order.
Exceptions.
Crokeys Answer to
those Exceptions.

k Order.

l Order.

m Order.

n Order in Parlia-
ment.

o Witnesses.

ding he had formerly wayued all exceptions to the
aforesaid Inquisition, Certificate and Decree, which
is by the said Commissioners certified as aforesaid,
yet *Smith* vpon the ending of that Parliament, ob-
tained an Order in Chancery of the 3. of December,
to put in new exceptions to the said Commission-
ers said proceedings, which *Crokey* in defence of
the Schoole answered. And the Parliament (be-
ing then ended) *Crokey* applyed himselfe to the
Chancery for a day of hearing, not doubting a
confirmation of the said Inquisition, Certificate and
Decree, which day of hearing after much labour
Crokey obtained, And so the cause was by the Lord
Keeper ordered ^k to be heard before his Lordship
and Iustice *Hutton*, wherewith *Crokey* was well satis-
fied, but when the cause came to bee heard, Iustice
Chamberlaine who married with the Lady *Berkley*
(*Smith* being her chiefe Steward) in stead of Iustice
Hutton sate in Court, and so the cause was heard
17. Iuly anno 20. Regni regis Iacobi. At which hea-
ring *Smithes* exceptions were argued, and being
found friuolous, no resolution was thereupon, yet
was not the said Decree so made by the said Com-
missioners in that Commission vpon the Statute of
charitable vles confirmed, as *Crokey* expected; but at
that time the Lord Keeper granted ^m another Com-
mission vpon that Information which was exhibited
by Master Attourney Generall two yeares before
not prosecuted, by reason the same cause was exhibi-
ted by *Crokey* in a Bill to the Parliament, where the
same was ⁿ ordered and proceeded vpon, as before
is said, Sect. 36. Which proceeding last spoken of in
Chancery, quite tooke away all *Crokeys* prosecution
for the Schoole a second time. And in which Com-
mission diuers of *Smiths* ^o friends were made Com-
missioners, some of whom had declared themselves
open

open opposors of the Schoole, and *Crokey* by their demenour against the due execution of former Commissions sued out by *Crokey* in the behalfe of the Schoole, which Commissioners *Crokey* much laboured both by Petition and motion in Court to haue altered, but could not therein preuaile. And yet the Lord Keeper at that hearing very sharply reproued *Smith* plainly telling him that he had left no practice vnattempted to supplant the Schoole as indeed is true.

39. That *Smith* (going on with that Commission vpon the said Information) practiced againe with *Haruy*, *Wishman*, and *Fisber*, or some of them to imprison *Crokey* a lecond time for the said debt of 50. pound, for which *Crokey* was before discharged by Parliament, whereupon *Crokey* commenced another suite in Chancery against *Haruy* and *Fisber*. That cause was referred to Sir *James Hussey*, q who reported that it was reasonable *Fisber* should accept of the principall, which was 50. pound. which *Fisber* refused, whereupon *Crokey* obtained a Warrant from the late Lord chiefe Iustice and others his Maiesties Commissioners appointed to heare the causes of Prisoners for their reliefe, directed to the said *Haruy* and *Fisber* for their appearaunce before the said Commissioners for Prisoners; But the said *Haruy* vpon the first summons appeared not, nor did *Haruy* appear at all, but vpon the second summons *Fisber* appeared. And the cause being heard *Fisber* would not conforme himselfe to any order; Whereupon the Commissioners gaue him further day, and then appearing also, would by no meanes or mediation conforme himselfe, but stood out in contempt of that Commission, then affirming that he would haue the extremity of the Law against *Crokey*, and which the said Commissioners haue certified, and of their opinions.

p *Witnesses, Petition, and Answer.*

q *Report.*

r *Certificate of the Commissioners, and their opinions.*

r *The same Certificate.*

opinions

PROOFS.

SECT.

f *Affidavit*;

t *Not to be denied*.

u *Commission*.
 - *Order*.

opinions therein. And further, *Fisber* gaue forth in speeches, that he cared not for his debt, nor for the whole money vpon the Execution, for hee would make dice f of *Crokeys* bones. And therefore, and for the reasons aforesaid declared in the 37. Section. *Crokey* is verily perswaded, that *Smith* had his hand in all these matters betweene *Crokey* and *Haruy*, *Asbman* and *Fisber*, *Crokey* doth know that one t *Farrer* a Clerke in Chancery, was a chiefe Agent in this confederacie.

40. That the said u Commission so awarded vpon the said Information, did beare *Teste*, 24. Iuly anno 20. *Regni regis Jacobi*, and was grounded vpon an Order in Chancery of the 23. of Nouember. *Anno Regni regis Jacobi* 18. which was before the Parliament. And which Order was granted vpon his late Maiesties Reference vpon *Smiths* Petition, wherein were diuers vntrue suggestions, as before Section 31. and which are also there answered. And that his Maiesties Reference vpon so false a petition, should be so farre extended in the behalfe of *Smith*, that sought to supplant the Schoole, and to doe all wrong, and that not onely his Maiesties former References, but also his feuerall directions vpon feuerall true Petitions presented by *Crokey* in behalfe of the Schoole, and *Crokey*, before mentioned Section 20. 26. 30. should be altogether neglected and slighted, as also the directions by Parliament betweene the time of the said Order, and the time of the hearing (whereupon the said Order of the 17. of Iuly, Anno 20. *Regni regis Jacobi*, which was some 22. months after) *Crokey* most humbly submitteth himselfe to the consideration of his Maiestie, and this high and Honourable assembly. And whether *Smith* in this businesse hath showed his power, his subtilty, and vnconscionable practices, and consequently his abuses both to his late Maie-

Maiestie, and his Magistrates and Iudges. For the manner of the execution of the last mentioned Commission: It was as *Crokey* before imagined it would be, when he laboured to haue had an alteration of the Commissioners names; But as to that *Crokey* hath fully spoken in his answer to the Decree, grounded vpon the said Information and order of the 23. of Nouember, and vpon the said last mentioned Commission thereupon, Sect. 42. number 4.

41. That for diuers indirect practises and misdemeanours done by the said *Smith* and his confederates, tending to the supplanting and ouerthrow of the said Schoole, *Crokey* (being encouraged by the Archbishop of *Canterbury*, who had well informed himselfe of the cause on the behalfe of the Schoole) exhibited a Bill into the Starchamber against *Smith* and others, and serued *Smith* with a Subpena before the Parliament in anno 1619. But *Smith* hauing attained the place of a Burgesse in Parliament as before is said, *Crokey* was delayed for the time of Parliament, and long after (which was about 16. moneths) before *Smith* could be brought to Answer; In the end *Smith* answered. But so it was with *Crokey*, that by that delay of *Smithes*, and *Smithes* other said practises together, *Crokey* was disabled and decayed in his estate, and imprisoned in manner and by *Smithes* meanes as aforesaid, Sect. 37. And yet *Crokey* (hauing a constant care for restoring the said Schoole and possessions thereof, and being desirous to discouer the practises and misdemeanours by *Smith* and his confederates, opposors, and declared enemies thereto set forth by and vpon his said Bill in the Starchamber) tooke out 5. Subpenaes against the other Defendants. Dated 30. Ianuary, Anno Regni regis Iacobi 20. vpon which day the cause vpon the said Information in Chancery came to be heard the

^{last} second time before the Lord Keeper, Iustice Chamberlaine, and Iustice Iohnes Assistants. Whereupon the Court decreed not onely contrary to, and against the said Commission so awarded by Parliament vpon the Statute of charitable vses, and against the said Inquisition, Certificate, and Decree, vpon the said Commission, but also against Crokeys particular right. At which hearing, Crokey was not admitted to produce any matter in behalfe ~~of himselfe~~ of himselfe, but was inioyned to forbear all further suites against Smith; Nor was there any further time spent vpon the said hearing, then opening the said Information, Suruey, and Certificate vpon the said Commission so awarded vpon the said Information; which Decree was in effect as followeth, And whereto Crokey hath particularly Answered, which he (for your better information in all humility as becometh) doth present to the consideration of your Maiestie and this Honourable assembly.

1. That whereas the cause by his Maiestie was referred to the Lord Hobart, and the other two Iudges of the Common Pleas, touching the re-establishing of the Schoole and possessions thereof according to the first foundation, and to settle a final end betweene Smith and Crokey for Warrens Court betweene them controuerted.

1. This is answered by the said Commission awarded by order in Parliament, and Certificate, and Decree thereupon, and vpon the waiving and arguing all exceptions, Sect. 27. And by the Rules made by Smithes assent, and concluding of Errors by like assent, Sect. 16. And by the Verdict and Iudgement thereupon with Smithes commitment for not yeelding possession to Crokey according to the Rules, Sect. 32. and according to Crokeys right affirmed by Verdicts, Nonsuites, Decrees and Orders in 33. severall suites before mentioned, Sect. 14. 36. 37.

2. And

2. And whereas 14. Iuly 12. *Regni regis Iacobi*, the Lord Hobart & other Iudges, did after severall hearings direct, that an Information should bee exhibited in the Court of Chancery against *Smith* and *Crokey* for the said causes.

3. And that in Michaelmasse Terme following, an Information was exhibited, whereunto *Smith* and *Crokey* did in the same Terme Answer, and thereupon an Order was made the 23. of Nouember in the same Terme whereby a Commission was to bee awarded to Commissioners to bee named by the Lord Hobart for surueying of the Schoole-lands, and of the Lands controuerted betweene *Crokey* and *Smith*. And because *Crokey* attended not but betook himselfe to other courses, did not nominate the Commissioners. But the Lord Keeper 17. Iulij 20. *Regni regis Iacobi*, did confirme the former Order of the 23. of Nouember: And that his Lordship did in open Court nominate the Commissioners, and on the 19. of the same Iuly, his Maiesties Attourney did giue speciall directions for execution of the said Commission.

4. That

2. It seemeth to *Crokey*, that this Direction is derogatory, as to the words of that Reference, which was for auoyding of further suites, and not warranting any or other, then were then depending.

3. An Information was so exhibited, and orders so made, howbeit *Crokey* had good reason to goe on in that course upon the Statute of Charitable uses wherein he had begun, rather then to assent to any other, much lesse to anything that might haue withdrawn him from that course, and whereof his Maiestie, the Parliament, the Lord Archbishop, the Lord Chancellour, and others reuerend Bishops were possessed; and had taken notice, and wherein the Parliament had giuen order; whereupon a Commission was awarded, and executed duly: And upon that an Inquisition, Certificate, and Decree were made, and returned, which was ^{almost} a yeare before the said Order of the 17. of Iuly, and the order of the 23. of Nouember was 16. moneths before that of the 17. of Iuly, so as *Smith* stirred not upon that Information during the Parliament, but it no sooner was ended, but *Smith* then began again to reuiue and set on foote all his former practices, all which, ~~Smith~~ *Crokey* had reason to wish stand.

F iij

4. Cro-

4. That accordingly the said Commission was sued forth, and in September following it was executed with great care and exactnesse and a Survey made, which in Michaelmasse Terme following was returned with the Commissioners Certificate, declaring that they did appoint others sufficient men to Survey the premises with the Metts and bounds, appointing them to attend with their Survey at Wooton on the 10. of the same September: At which time they appointed for the Survey (being approued of by *Smith* and *Crokey*) did deliver in the Survey, which was read in the presence of *Smith* and *Crokey*, and of the Maior of Wooton and diuers others of the chiefe Townsmen there, & of many others sent for at the instance of *Crokey*, & examined as witnesses vpon their oathes, vpon Interrogatories by him exhibited, which vpon their examinations did agree with the Counterparts of Leases of the said possessions voluntarily produced by *Smith*, and that they found the Survey to bee iust against which, neither of the defendants or others their pre-
sent

4. *Crokey* did neither approue of that Survey, nor Certificate annexed, nor did the Commissioners particularly examine witnesses vpon the Interrogatories then preferred by *Crokey*, as the Commission required, though *Crokey* much pressed them thereto nor otherwise, then when as the Surveyors had brought in their surety, the same was read over, and then the Commissioners asked them then presents (which were onely such as *Smith* would haue there) whether they could say any thing to the contrary, without any further or other examination, whereat *Crokey* shewed himselfe much discontented, and tooke exceptions at the then proceedings, and the same altogether disliked and so told the Commissioners and some there assembled, nor was there any depositions or examinations vpon oath, nor bee any returned or vpon Record in that cause, nor did *Smith* then produce all the Counterparts of the Leases of the Schoole lands, but onely of such parcels as hee pleased, and would not suffer any Tenant of the Schoole to produce any other, nor did *Crokey* allow of the Surveyors, for they had made the Survey before *Crokey* did know of any such matter, and they were *Smithes* neere neighbour
3

sent did or could take any exceptions.

5. That the substance of which Suruey declared in effect that the possessions of the Schoole did consist of 31. houses and 162. Acres and 10. pertches, And that the yearely Rent of the premises then was 21. pounds 4. shillings 6. pence. and that the yearely value of the premises to be improved about the said Rents, was 121. pounds 17. shillings 2. pence, And that Warrens Court contained one Messuage, one fulling Mill, and 54. Acres, and 10. pertches, and that the yearely value of the same then was 38. pounds 1. shilling 4. pence, besides 48. shillings and 12. shillings payable out of the same, And that of a Lease formerly made thereof, there was then vexpired 10. yeares at Lady day next ensuing.

6. That

bours and friends, and such as had some dependency on Smith: nor did there appeare above 6. or 7. of 39. Tenants that Crokey would haue had there, and for which purpose he tendred their names to the Commissioners in writing, but they would not receiue it, nor send for more then for such as Smith would haue. And in this manner was that Commission executed.

5. Smithes Patent from his Maiesty doth mention 39. Tenements as in truth there be, & the land belonging to Warrens Court by Smiths owne shewing amounteth to 130. acres, as in the 15. Section, & the whole value of the Schoole lands is certified by the Lord Archbishop of Canterbury, the Bishops London & Winton, to be 300. pound per annum or thereabouts; Crokey had 21. yeares in Warrens Court, when hee first began suite against Smith, But further as to the present Renewen of the Schoole Crokey doth affirme that it is at this day (revera) worth about 300. pound per annum and all in the disposition of Smith, as for Leases in being there be none, but onely the remainder of the old Lease of 88. yeares in Warrens Court belonging of right to Crokey, and such Leases as Smith hath made, ~~as for the~~

Lease

6. That vpon the Information, Answers, Commission, Certificate, and Suruey, and by an Order made by his Lordship 12. December, in the said 20. yeare of his late Maiesties reign for vsing of depositions formerly taken betweene *Smith* and *Crokey* in Chancery, the cause was heard, and at large debated by his Maiesties Attourney Generall in behalle of the Schoole, Sergeant *Crew*, Sir *John Walter*, Master *Finch* Recorder, and 6. others for *Smith*, and Sergeant *Ritchardson*, Sir *Laurence Hyde*, and Master *Farewell* for *Crokey*. And vpon the opening of the Information, Answers, reading of the Certificate and Suruey, and vpon the long debating and deliberate hearing of the cause and all the circumstances thereof, the truth of the cause appeared to be.

7. That in 8. *Ricardi 2.* Katherine Lady *Berkley* Widdow did obtaine of the said King and of *Thomas* Lord *Berkley* then Lord of the fee Licence for founding the Schoole, to consist of a Master and two poore Schollers Collegiatly to *live* together, and

Lease of 99. yeares supposed to be bought by Smith of the Duports, that Lease is fraudulent and so alwayes hath bene found.

6. This order as also the order therein mentioned of the 17. of Iuly, and the Certificate in that order of the 17. of Iuly mentioned, were made (as it seemeth to *Crokey*) to no other intent but to bring in *Crokey*, and to make him liable to that suite brought into Chancery vpon the said Information for *Crokeys* owne particular cause touching *Warrens Court*. At which time *Smith* was imprisoned for not yeelding to *Crokey* possession according to the said Rules in Court, But there was then no debating or deliberate hearing of the cause, nor was the cause otherwise heard then the opening of the Information, Answers and reading of the Certificate and Suruey according to the Commission awarded vpon the Information, howsoeuer the words of the Decree doe make shew of.

7. *Crokey* with this doth agree in all, sauing that there were no ordinances made but long before the foundation. To which Ordinances the foundation hath no relation, nor were there any Ordinances so bee made by the foundation, sauing the *Habendum* therein, which onely

and to haue a perpetuall succession, And for indowing the Schoole with the said Lands 2. Feoffees were trusted by the Lady for purchasing the said Lands, to hold according to certaine ordinances by them to be made, and that accordingly the Schoole was founded, and the Lands assured by the Feoffees to the Master and Schollers and their Successors for euer; to be holden according to the said Ordinances : And that the Schoole and possessions thereof were employed according to the said foundation and institution, vntill the 37. yeare of K. Hen. 8.

8 That on the 18. of May in the said 37. yeare, *Robert Coldwell* then Schoolemaster of the said Schoole did demise *Warrens Court* vnto *William Thomas* his Executors and Assignes from Lady day then last past for 88. yeares for the yearely Rent of 48. shillings, and to the chiefe Lord 12. shillings per annum. And that the said Lease was by the last will of *William Thomas*, ~~annuo~~ 3. & 4. ~~part~~ *Maria* bequeathed to *Alice* his wife for her life, and after her decease to his Daughter *Grace* for her life, and after to remaine to *Richard*, *William*

only declared the estate, as by the Certificate and Decree vpon the Commission for charitable uses expressed, and before related in the 37. Section, Nor was the foundation or institution discontinued vntill Smith began his practices to supplant the Schoole. And Coldwell was lawfully presented and made Master of the Schoole, and the Lease by him granted of Warrens Court was good in law: there hauing beene 33. seuerall Suites in Affirmation of the same.

8 *Crokey* confesseth all this to be true.

G

9. Whilest

William, Katherine, Ioyce, Elizabeth and Mary, children of the said *Alice* by one *John Moore* her former husband, and made *Alice* his Executrix and dyed.

- 9 That afterwards *Alice* intermarried with one *Reignold Aphowell*, and that *Reignold* and *Alice* anno 5. *Elizabeth*. did demise the premises to the said *Richard Moore* for 21. yeares, and that after in the 13. yeare of *Q. Elizabeth*. *Reignold* did grant the remainder and Rent, and all his estate in *Warrens Court* to *John Sprint* then husband of *Ioyce*. And afterwards in the said 13. yeare of *Q. Elizabeth*. dyed, that *John Sprint* in the same yeare did grant all his tytle to *Alice*, and that *Alice* anno 21. *Elizabeth*. did grant all her estate to *Grace*, and *Grace* being possessed anno 39. *Elizabeth*. did intermarry with *Smith* and dyed; And in this manner *Smith* made his tytle to *Warrens Court*, and affirmed that hee had diuers Verdicts and Nonsuites at the Common Law, and one Decree, and three Dismissions in Chancery for confirmation of his said tytle.

9. *whilst Grace, Smiths first wife* lived, *Smith* claimed no further or longer interest in *Warrens Court* then for her life. And as for *Sprints* tytle, it is but a meere suggestion and foysted into this Decree, which *Smith* could neuer proue: Nor did *Smith* in this suite upon the Information (being a part of the ground of this Decree) once endeuour or offer to proue any such tytle. Nor did *Smith* ever speake of that tytle of *Sprints*, untill all the rest of his tytles for the inheritance of all the Schoole lands sayled him, upon which his tytles of inheritance to all, he stood so long as possibly hee might, and untill he perceined all his practices for maintenance thereof, were discovered by *Crokey*, as may appeare by that before related, Sect. 17. And by the Certificate and Decree upon the Commission for charitable uses, Sect. 37. numero 1. 2. Besides it appeareth by the severall Answeres of *Alice* and *Grace* in Chancery, Anno 26. *Elizabeth*. to the Bill of all the other Legatees, that they made no further or other claime then for their severall lines formerly related, Sect. 6. 7. & 8. Nor hath there ever any Verdict, Nonsuite, Decree, or dismission passed in affirmation of any tytle controuerted betweene *Smith* & *Crokey*. 10. *Cro*

10. That *Crokey* made his tytle to *Warrens Court* by a Deede from *Joice* (being Suruiour of the 6. Legatees) by a Deed dated anno 11. Regni regis *Iacobi*, and did affirme that hee had a Verdict for his tytle.

11. That it did appeare to the Court that anno 34. Eliz. *John Duport* being Schoolemaster, did demise *Warrens Court* and other the Schoole lands (except one Chamber and the Schoolehouse) vnto his brother *James Duport* for 99. yeares for 40. shillings per annum; And that *James Duport*, anno 2. *Iacobi* for 100. pound fine, did make a Lease to *Smith* of *Warrens Court* for the residue of 99. years 10. dayes onely excepted, and in 6. *Iacobi*, *James Duport* did for 300. pound grant vnto *Smith* his whole estate in all the premises.

12. That

10. *Crokey* doth affirme this to bee the true and only tytle, for which he hath had a final Tryall, Verdict, and Iudgement vpon a deliberate hearing, as is at large before related, Sect. 16. and 32. for which *Smith* hath bene twice committed to the Fleet for not yeelding possession to *Crokey*.

11. If the Schoole and Possessions thereof, were neuer since 37. H. 8. imployed according to the foundation and institution, then had *Smith* no reason to deale with any tytle from the *Duports*, much lesse now to urge any such, But in that *Smith* bought in the *Duports* tytes, hee must needs shew his great desire to supplant the Schoole, and to get the possessions thereof, and thereby to eclips all other iust tytes. And *Smith* (being a Lawyer) did alwayes well know that the *Duports* had no tytle to any part of the Schoole lands, nor lawfully placed in the Schoole, Nor did *Smith* ever giue 100. pound for all his tytes. As for the 40. shillings Rent supposed by *Smith*, that was a rent onely agreed vpon by *John* and *James Duport*, whereas the ancient Rent of the Schoole was 23. pound per annum, which *James Duport* deputy Schoolemaster to *John Duport*, did receine untill *Smith*

12. That it did further appeare, that an Inquisition was found *anno 30. Elizab.* That all the said Lands were come to the Queen by the Statute of Chantries made 1. *Edward 6.* And that the said Q. 21. *Marcy anno 31.* did grant all the premises to *Charles Badgehot* and *Bartholomew Yardley* and their heires vnder the yearly rent of xj. shillings. And that from them it came to *Andrew Phillips*, *Thomas Chamberlaine*, and *Edward Bishop* and their heires. And in the 15. yeare of his late Maiesties raig, *Smith* hauing beene in possession of *Warrens Court* euer since his said Mariage, did for 200. pound buy in the seuerall tytles and pretended estates. And for strengthening his tytle, did for 5. pound obtaine another Patent vpon the Commission of defectiue Tytles for xj. shillings rent.

13. That it did also appeare to the Court, that *Smith* did take a course for establishing the Schoole (as formerly for 9. yeares before he had increased the Rent of 40. shillings to 12. pound *per annu* to the Schoole-master) And that whereas at that time by reason of the long Leale for 99. yeares the reuenew of

had bought in manner as aforesaid the Duports out.

12. *Smith practised vpon these tytles, as before vpon the Duports tytles, wel knowing all to be naught as may well appeare by the suite brought in the Exchequer between him and Bishop, Sect. 17.*

13. *That when Smithes backe was at wall, and that hee knew not what way to turne him by the opposition of Crokey. Then Smith) so colour and face out the matter as he euer before did) might make such a shew to the world when he meant nothing lesse, for if hee had meant truly to the Schoole, and intended to haue maintained her first foundation, he would neuer haue so practised to haue supplanted it as before is shewed. And well hee might submit all his tytles to the disposition of the Chancery (none of them being good but all fraudulent, and he hauing no right at all) there*

Shillings

of the Schoole was but fortie ~~per annum~~, Smith did conuey all the Premises discharged of the long Lease, except that which lyeth in Nibley together with the fourth part of fines vpon Leases, and all the residue to other charitable purposes to certaine Feoffees and their heires to the vse of the Schoolemaster and his Successors; And that Smith both in his Answer, and then in Court submitted his tytles to the disposing of the Court.

14. And although Crokey for his owne ends had prosecuted some Commissions vpon the Statute of charitable vses, yet it appeared by Affidavit Orders, and his owne Answer, that in the 16. of his Maiesties raigne he did giue in euidence at Wickwar to the Commissioners for concealed Lands, and that vpon his oath & euidence by him produced, all the premises were found to be concealed, and that he tooke a Bond of 2000. pound of the prosecutors of the said Commission. That the Fee farme of Warrens Court should be conueyed to him and his heires at the yearly

there consisting his onely hope when all others had failed him. Nor hath Smith laid open or submitted all his tytles to the Chancery, for that tytle from Cowper, Browning, and Bolton, Smith hath concealed and still doth conceal the same, with intent no doubt, but the same to reuine and stand vpon in time to come, for the inherisance of all the Schoole lands when all matters now in hand shall bee dead and forgotten. As for the 40. shillings & 12. pound Rent, the same is answered before, Numero. ii.

14. Crokey did not so prosecute for his owne ends, but in behalfe of the Schoole onely, for Crokey did well know his tytle to Warrens Court to be good for the Statute of 1. Edw: 6. maintaineth all Leases of Chantries made before the 28. day of Nouemb 37. Hen. 8. as was the said Lease vnder which Crokey claimes. For the Affidavit supposed to be made, Crokey cannot beleue there was any such, and if any such matter were, then whether the same should be so materiall, as wherenpon to decree any point is the question, But Crokey too well doth know that Smith was neuer without Affidavit Instru-

ly Rent of 40. shillings.

15. That vpon consideration of all which the Lord Keeper and Court of Chancery assisted by Iustice Chamberlaine and Iustice Jones were of opinion, that the said Lands did not come to the Crowne by the Statute of Chantries, And that the said long Leases are voide in Law and equitie, for either the Master and Schollers are a Collegiat Corporation, and then must ioyne in the Leases, which they did not, or else the said Master was presentatiue, and in that regard the said Leases being made onely by the Master and not confirmed by the Bishop of Worcester, by whom by the foundation he was to be admitted, instituted, and sworn to performe the said Ordinances are voide also. And for that the long Leases tend to the destruction of the Schoole contrary to the intention of the Founder.

16. There-

ments. And for the Orders Crokey hath before answered in the 26. Sect. Nor doth any such matter appeare by Crokeys Answer as is here foisted into the Decree for Crokey by his Answer cleered himselfe. And for the evidence supposed to bee giuen in by Crokey, that is cleered, Sect. 22. & 23.

15. It is not likely or probable, that it was the meaning of the Founders, that the 2. Schollers should be ioynd with the Master in letting Leases, for that there is no such matter in the Institutions or Ordinances, but thereby the two Schollers were to bee admitted at 10. yeares at least, and to continue there but 6. yeares, and they were by the Ordinance subiect to correction by the Master. But it is plaine, that the Schoole lands were alwayes letten by the Schoolemaster onely; and for the Bishops confirmation of the Leases, it is as unlikely, nor can it be proued that there was euer any such thing, nor doth the foundation mention any such matter; nor were there any Ordinances made vpon by or after the foundation, but long before, nor was the same euer in question or any part of the land. And yet Crokeys Ancestors held Warrens Court for 70. yeares

*yeares vnder Coldwells Lease :
And therefore it plainly appea-
reth, that all the said points in
this part of the Decree are but
onely meere suppositions and sug-
gestions by Smith to delude the
Court.*

16. Therefore it was decreed that
all the said tytles both vnder
the said Letters Patents and al-
so the said Leases, and all other
Leases and estates made by any
Master should be voyde, And
all Bonds and Couenants
made for securing the same
should bee deliuered vp and
cancelled; And that the same
should be called in, and all the
possessions re-established in the
Schoole, and all the lands men-
tioned in the said Certificate
and Suruey were decreed to
the Schoole. And that if any
other lands should bee discou-
ered for the Schoole, the Court
would take such further order
for establishing thereof to the
Schoole as should be fit. And
that all the premises should bee
surrendered to his Maiestie, that
the same might be regranted to
be employed for the establish-
ment of the Schoole, and the
Master and Schollers there,
and for the maintenance of a
greater number of Schollers,
according

16. *This clause taketh away Cro-
keys lawfull tytle, it maketh
void the finall Tryall, and Ver-
dict and Iudgement duly obtained
and the Rules of Court for pos-
session by consent, as in the 16.
sect. It altereth the ancient founda-
tion, which appropriateth the
Patronage of the Schoole to the
heires Males of the said Tho-
mas Lord Berkley and the inhe-
ritance of the Schoole lands to the
Schoolemaster of that Schoole
lawfully presented as the same
continued for about 200. yeares,
and to transerre the said Patro-
nage and inheritance by colour of
such a Surrender Crokey doubt-
eth whether it be warrantable by
the Statute of charitable uses, and
whether the foundation may bee
altered but by acte of Parliament.
And what reach Smith hath in
this point of the Decree for get-
ting in all his Bonds and Cou-
enants which hee hath runne in
to for maintenance of his vnjust
tytle to the Schoole lands euery
one may discerne.*

17. The

according to the increase of the Reuenues as occasion should be.

17. And because it appeared by the Suruey that diuers Messuages and parcells of Land, part of the premises are and long had bene in the possession of diuers, whereof many are of meane ability hauing paid fines. And if they should be remoued from the same would impouerish them, It was therefore decreed, that they should haue reasonable Leases (not exceeding three liues) made to them without fine for the increased Rent of a third part of the yearely value thereof according to the said Suruey, and the opinion of the said Iudges Assistants, and Master Attourney generall, to whom his Lordship referred the perfecting of this Decree.

18. And because *Smith* was in quiet possession of *Warrens Court* for diuers yeares after his marriage, And that by buy in the long Lease of 99. yeares, and estates of the Patentees hee had been at 700. pound charge, and had bestowed great charges in building, and that many parcells of the Schoole lands lye in seuerall places intermixt and

17. *The Fines that they haue paid haue bene paid to Smith, and therefore Smith should make them good being taken wrongfully, and that to make new Leases other than according to the first foundation: Crokey maketh a question whether it be contrary to the meaning of the Founders. It is not likely that Master Attourney Generall had any hand in this Decree, as it is entred upon record. But that it was done by Smith himselfe and his Councell. And very likely it is that Smith hath used some slight in procuring the same to be thus entred. And that herein hee hath abused the Court, the Iudges and Master Attourney not caring whom hee abuseth to worke his owne ends.*

18. *Smith had neuer any quiet or lawfull possession longer then his wife Grace liued, who dyed about 12. yeares since, and then Crokey claimed and entred, and ever since hath sued for that his right to Warrens Court: Nor hath Smith bene at about 100. pound charge as Crokey is informed in buying all the said bad tytes, what he hath bestowed in building*

and inclosed with his owne Fee
simple lands.

19. And that it appeared his intention was not to diminish the Reuenues of the Schoole being by the said long Lease brought so low as 40. shillings *per annum*, but to increase the same, It was therefore decreed that *Smith* should haue an estate in *Warrens Court* and of the intermixt lands in *Nibley* made to him for such three liues or for yeares determinable vpon such three liues as hee should nominate without impeachment of waste for a like increased Rent of a third part. And the heires and Assignes of *Smith* from time to time for euer vpon request, should haue an estate of the same renewed to them in manner and for the Rent aforesaid.

20. And

building was but to outface the world, and the better to colour those his bad tytes. Nor doe the lands lye intermixt, but those lands that Smith pretendeth to lye so, or the most thereof are lands also belonging to Warrens Court (for Smith hath made no accompt how he came by any other lands there) and are the residue of the 130. Acres which Smith himselfe hath confessed as before is said in the 15. Sect. though in this businesse hee hath caused the same to be found but at 58. Acres and 10. perches that Suruey being vpon Smiths owne setting out, and wherein Crokey had no hand nor thereof any knowledge untill it was done.

19. It plainly appeareth that Smiths intention was not onely to diminish the Renenue of the schoole, but utterly to supplant, for so it appeareth.

1. By buying the Duports tytes mentioned, Sect. 10.

2. By buying the tytes of Cowper, Browning, and Bolton, mentioned, Sect. 10.

3. By letting Leases of the Schoole lands as his owne, Sect. 11.

4. By keeping of Courts in his owne name as Lord and owner of all Schoole lands, Sect. 11.

5. By his fraudulent suite brought

H

in

in the Exchequer, wherein hee claymed a Fee simple
in all the Schoole lands, sect. 17.

6. By buying of Bishops tytle, and taking a Patent
upon the Commission of defectiue tytles of all the
Schoole lands, sect. 17.

7. By his Information brought against Crokey and
the said Ioice in the Common-Pleas, wherein he set
forth a seizen in fee of Warrens Court, sect. 15.

8. By his Bill or Information in Starre-chamber a-
gainst Crokey and others, wherein hee made like
claime, sect. 17.

9. By managing all those tytles from time to time, and
so consequently his owne tytle for the inheritance of
all the Schoole lands, sect. 17. and Certificate and
Decree upon the Commission for charitable uses,
sect. 37. numbers 1. 2. 4. 6. & per ordinum 23.
Non. sect.

10. By his labouring to make the Schoole lands Chantry
lands, sect. 17. 21. 22.

11. By crossing and withstanding at severall times his
late Maiesties directions, and the directions and
proceedings in Parliament Anno 1621. and of the
Lord Archbishop of Canterbury, the Lords Bishops
of London and Winton, the Lord Chancellor and
Lord Keeper, and all Crokeys indenours in behalfe
of the Schoole, and by multiplicite of causelesse
suires, and his many other practices and delays, all
which being before manifestly proued. By decreeing
and such an estate to Smith and his heires, is utterly
to take away Crokeys tytle already duly determi-
ned and adiudged by Law, for Crokey after 12.
yeares opposition by Smith and against the opinion of
the Lord Keeper mentioned, sect. 38. *Let 35 p*

20. And because the said Leases were thereby dammed, therefore the Court did forbear to determine the tytle betweene the Defendants otherwise then by Decreeing the said Leases to be voide, And did further order that all suites and prosecutions touching the tytle betweene the Defendants should cease and severall Injunctions were awarded against the Defendants accordingly.

21. And whereas the Iudges and Master Attourney did certifie his Lordship that vpon every Tenants improvement the third part will amount to the increase of 47. pound *per annum*, out of which they thought fit to assigne 26. pound 13. shillings 4. pence *per annum*, to the Schoolemaster and five pound a peece for 4. Schollers, and their stipends and number might increase as the Reuenue should increase by expiration of estates. It was therfore decreed, that 26. pound 13. shillings 4. pence should be allowed to the Schoolemaster, But with this that

20. Here is no difference made betweene Crokeys inst tytle proceeding from the lawfull Lease of 88. yeares made by Coldwell and the unlawfull Lease of 99. yeares made by Duport 60. yeares after, and it had bene all one to Crokey if the Court had in plaine termes taken away his tytle as to damme the Lease under which he claymeth and by which he hath right, and to debarre him of all further suites for his reliefe; As for debarring Smith from suites against Crokey there was no cause, and therefore that is but a shadow laid on by Smith to make the Injunctions seeme equall.

21. Smith aswell by this as the rest of his practices, sheweth that hee took great care and paines to make faire shewes by soule shifts, that when he failed in his first aymes for supplanting the Schoole as before hath bene manifested, and which Crokey intendeth (by Gods helpe) and by the aide and fauour of this high and honourable assembly to prosecute with effect, being in good hope that this high Court will set all things right for the Schoole, and the same will strengthen, and will giue more credit to the said Inquisition, Certificate, and Decree produced by order in Parliament An. 1621.

that the Lord Keeper did thinke fit, and so did decree that there should be fiue Schollers, and the stipend should be foure pound *per annum* a peece. And the stipend and number to increase as should the Reuenew; Sauing alwayes to the Court power to direct and settle the Regulement and establishment of the Schoole,

and to Crokeys other proofes, then to the Certificate vpon the Commission awarded vpon the said Information in Chancery so executed as before is laid open in the i number of this Decree, proceeding chiefly vpon the said last mentioned Information, Commission, and certificate thereupon. By all which it plainly appeareth how subtilly Smith had woundd himselfe and his impious proceedings into the good opinions of all especially of those in authority, all proceeding (as it seemeth) by his faire pretences and dissembled honesty, together with his impudent and important solicitation, as appeareth by his false suggestions in that his Petition to his Majesty, Sect. 31. & 32. wherein, as now it appeareth Smith hath left no practice vnattempted, how unconscionable or dangerous soeuer.

May it please this High and Honourable Assembly to obserue, that the said last recited Decree is grounded vpon a Commission of Suruay without examination of any Witnesses vpon Oath as the Commission required, neither are any depositions of Record in that cause nor the Suruayers sworn;

Which Commission of Suruay and Decree, proceeded by vertue of *Smiths* cautelous Petition to his late Majestie and Reference.

Whereupon the late Lord Keeper granted the sayd Commission of Suruay as aforesaid, which is meere repugnant to the directions of the Lords Grace of *Canterbury*, and proceedings of the late Lord Chancellor and diuers other Reuerent Bishops, and contrary to the directions of the most Honorable the higher House of Parliament, and the proceedings thereupon by Reuerent Bishops and others. according to the Statute of Charitable vses, as by the inquisition Decree and Certificate found for the sayd Schoole appeareth.

Whereby *Crokey* humbly prayeth this Honourable Assembly to take in consideration.

had little expectation of any good successe by that suite in Starchamber, being so foyled by that Decree in the ground and maine of all his suites against *Smith*. And yet *Smith* (vpon *Crokeys* forbearance in that Starchamber cause) procured 52. pounds costs to be taxed against *Crokey*, though *Crokey* proceeded no further then to Bill and Answer of 3. Defendants, with which 52 pounds Costs *Crokey* is now also charged in the Kings Bench.

*Matters thus standing, and being in this consisted
betweene Crokey and Smith.*

May it please your Maiestie, and the rest of this high and Honourable assembly to consider by how many waies, all in places Iudicature and authority may be deluded, and abused in the administration of Iustice, by Impostors, practices, plotters, and deceiuers, that bend their mindes and indeauours wholly to iniurie and oppression, without regard whom they delude, deceiue, and abuse, for their owne impious ends, seeming not to dread any punishment either in this life, or in the life to come, most impiously outfacing and deluding all Iustice and authority, as in this man *Smith*, your Maiestie and the rest by this plaine Relation may discern.

Crokeys most humble suite wherefore, is in the conclusion as in the beginning: And that the matters before spoken of, and wherewith *Smith* is charged, may be examined by this high and Honourable Assembly that the right may appeare, and so be adiudged and determined, and in such sort as shall seeme most fit, wherein *Crokey* vnder reformation particularly offereth to consideration the particulars insuing, viz.

That the Commission, Inquisition, Certificate, and Decree, vpon the Statute of charitable vses by direction of Parliament 1821. may be maintained and prosecuted; and that the said last recited Decree in Chancery to euery point whereof *Crokey* hath answered, may bee made voyde by

authoritie of this present Parliament.

That the Schoole and possessions thereto belonging may be reduced according to the meaning of the Founders, with such other additions as this high Court shall hold meet and agreeable to the time.

That ~~the Schoole~~ *Peter Bird*, placed vpon part of the Schoole lands by *Smithes* meanes, and *Cowper* now placed as Schoolemaster may be remoued, for that they haue beene, and are practicers with *Smith* in all or most of his designs for supplanting the Schoole, and his instruments alwayes ready to execute any euill act for *Smith*.

But what order it shall please your Maiestie and this high Court to award for *Crokeys*, in respect of his long and great expence of his whole estate and more, to the value of 2200. pounds for the rectifying of the said Schoole, and defending the tytle of the Schoole, to the viter neglect of all his owne affaires, being before a Merchant of good credit and trading.

And for *Crokeys* right and possession to and in *Warrens* Court according to his ~~Evidence~~, and according to the Finall triall, Verdict, Iudgement, and Rules in Court, and according to his Maiesties directions mentioned in Section the 30.

And for the meane profits of *Warrens* Court worth 80. pound *per annum*, by *Smith* wrongfully kept from him since *Crokeys* first entry, which is 12. yeares.

And for the 297. pounds Costs which *Smith* was to pay *Crokey* for wrong vexation in Starchamber some 7. years detained, as by the Dismission and seuerall Orders, and Bill of Costs mentioned, Section 18.

For the remitting of the 52. pounds Costs obtained by *Smith* vnduly in Starchamber against *Crokey* vpon Bill and Answer mentioned in the 41. Section, for *Crokeyes* great labour and toyle both of his body and minde

12. yeares together, with the wasting and consuming of his vitall spirits in bearing the assaults and insufferable wrongs of *Smithes* impieie, and improbiety in the preservation of the laid Schoole being moued thereunto for Gods cause, and no benefit to himselfe without contribution of any, with the blame of many of his dearest friends for so great earnestnesse in a common cause generally neglected and violently opposed, that vnlesse the speciall mercy and great goodnesse of God had assisted and strengthened his weakenesse in so sore a conflict, in so iust a cause, which *Crokey* holdeth to be more pretious then life it selfe, (as in the 4. Chapter of *Ecclesiasticus* the 28. verse) *Strive for the truth vnto death, and defend Iustice for thy life, and the Lord God shall fight for thee against thine enemies.*

Vnto all which *Crokey* most humbly submits himselfe.